

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
 vs.) No. 1:06-CR-00088(JCH)
)
 TRON KENT,)
)
) Defendant.)

TRIAL PROCEEDINGS -- VOLUME I

BEFORE THE HONORABLE JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE

May 29, 2007

APPEARANCES:

For Plaintiff: KEITH D. SORRELL, ESQ.
LARRY FERRELL, ESQ.
OFFICE OF U.S. ATTORNEY
325 Broadway, 2nd Floor
Cape Girardeau, MO 63701
(573) 334-3736

For Defendant: THEODORE LISZEWSKI, ESQ.
11860 Lackland Road
St. Louis, MO 63146
(314) 450-7028

REPORTED BY: DEBORAH A. KRIEGSHAUSER, FAPR, RMR, CRR
Official Court Reporter
United States District Court
111 South Tenth Street, Third Floor
St. Louis, MO 63102
(314) 244-7449

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1 (Proceedings began at 8:30 A.M.)

2 CLERK: All rise. This Court is now in session.
3 Please be seated.

4 THE COURT: Okay. Good morning.

5 MR. SORRELL: Good morning.

6 THE COURT: Let the record reflect that the Jury is
7 not in the courtroom yet. There are some matters that we need
8 to take up in this case out of the presence of the Jury. For
9 the record, this is Cause No. 1:06-CR-88, *United States v.*
10 *Tron Kent*, and the attorneys are here, Mr. Sorrell and
11 Mr. Ferrell and Mr. Liszewski.

12 Mr. Liszewski, you had filed a Motion in Limine last
13 Friday. Do you want to take that up at this time?

14 MR. LISZEWSKI: If the Court would be agreeable to
15 it, yes, Your Honor.

16 THE COURT: Sure. Why don't you go ahead. We'll
17 go -- Why don't we do it item by item.

18 MR. LISZEWSKI: Sure. Your Honor, with respect to my
19 first request of the Court, basically, Judge, Mr. Kent does
20 have pending charges in state court. He has a pending charge
21 for murder. He has a pending charge for statutory rape. He
22 has a pending charge for unlawful use of a weapon, and armed
23 criminal action. That case is set to be tried in front of
24 Judge Lewis in Cape Girardeau County the last part of June.
25 Pat McMenamin is his counsel in the case. I'd just ask the

1 Government not be able to refer to the existence of any of
2 those charges. Those are unproven, unsubstantiated at this
3 point, and ---

4 THE COURT: Any objection to that?

5 MR. SORRELL: No, Your Honor, not in our Case in
6 Chief. The only thing we will say is that it's possible on
7 Cross Examination that that same information might be elicited
8 depending on how questions are asked but we have no intention
9 of introducing it.

10 THE COURT: Yeah. I mean, obviously, if it should
11 come up in some other way, then we can talk about that.

12 MR. LISZEWSKI: Absolutely. I understand,
13 Your Honor. If I open the door, it comes in.

14 THE COURT: I'll grant that. How about the next one?

15 MR. LISZEWSKI: Judge, for Part II of my motion,
16 there was an outstanding warrant for assault, second, and a
17 UUV on the night that Mr. Kent was arrested, May 9th, 2006.
18 I'd just ask that, you know, obviously, if the Government is
19 going to refer to an outstanding warrant, I would just ask
20 that we leave it at that.

21 THE COURT: Any problem?

22 MR. SORRELL: No. I may ask the question in a
23 leading form to avoid that, but we intend to refer to his
24 felony arrest warrant without reference to what it was.

25 THE COURT: Okay, fine.

1 MR. LISZEWSKI: That's fine.

2 THE COURT: Then I'll grant that. No. 3, you're
3 talking about any law enforcement officers, lay witnesses?

4 MR. LISZEWSKI: Yes, Ma'am. Judge, in our Motion to
5 Suppress hearing, you know, I inquired as to -- for instance,
6 with respect to Officer Moody, why he thought that Mr. Kent
7 may be involved with narcotics and narcotics distribution. He
8 indicated that it was based on his personal experiences with
9 him. I would just ask that personal experiences that are not
10 relevant to this case not be admitted, subject to us opening
11 the door. I understand if we open the door to that, then
12 certainly that would be admissible at some level.

13 THE COURT: Well, you need to be careful if you're
14 going to ask any question like that in Cross.

15 MR. LISZEWSKI: Absolutely. I agree.

16 THE COURT: Okay.

17 MR. SORRELL: We have no objection. We have no
18 intention of bringing that up in our Case in Chief.

19 THE COURT: Okay, fine. We'll grant that. Item 4 on
20 the prior convictions?

21 MR. LISZEWSKI: Yes, Your Honor. Just briefly,
22 it's -- it's well known Mr. Kent has three convictions for
23 controlled substance related offenses, two in Scott -- I
24 believe all three of those are in Scott County, Missouri.
25 There's one in Mississippi County -- excuse me -- and two in

1 Scott County.

2 Judge, for the record, I am going to make my
3 objection to the 404(b) evidence that the Government has
4 offered in this case. It's my opinion that under a 403
5 balancing test, that it would be unfairly prejudicial and it
6 would deprive him of a fair trial.

7 THE COURT: Well, I need to know exactly what you're
8 complaining about. You're talking about prior convictions.
9 Why don't I get from the Government what your prior conviction
10 404(b) evidence is.

11 MR. SORRELL: Your Honor, there are three instances
12 of prior conduct. One is in 1999 where Mr. Kent was convicted
13 of the felony of possession of crack cocaine with the intent
14 to distribute. In that event, which we will have both the
15 conviction record testified to by the Circuit Clerk and the
16 officer who made the arrest, the officer will testify that
17 Mr. Kent ran from him, and he also possessed a Ruger firearm,
18 a pistol, during that transaction.

19 So under the four-part *Dobbins* test basically,
20 whether or not this is admissible or not, it has to be
21 reasonably close in time. This was in 1999. It has to be
22 more probative and not unfairly prejudicial. All relevant
23 evidence, of course, is prejudicial but this is probative in
24 the nature that this case also involves guns and crack
25 cocaine. It is more important in this case because Counts or

1 Count V deals with -- or one of the Counts in the Counts III,
2 IV and V is possession of crack cocaine with the intent to
3 distribute, but it's a circumstantial evidence case. And so
4 Mr. Kent's knowing possession of that evidence ---

5 THE COURT: Which is your 404(b) evidence.

6 MR. SORRELL: Exactly; addresses that issue. And
7 then the Court has to make a finding that there is sufficient
8 evidence from which a jury could find that the 404(b) evidence
9 occurred. In this case we have live testimony and the record
10 of the conviction which makes it a practical certainty, not
11 just a mere probability that the conduct occurred.

12 THE COURT: Okay.

13 MR. SORRELL: So under the *Dobbins* test, the evidence
14 is admissible and it's relevant in this particular case.

15 THE COURT: Okay. Go ahead, Mr. Liszewski.

16 MR. LISZEWSKI: Yes, Ma'am.

17 MR. SORRELL: Your Honor, I'm sorry.

18 THE COURT: Yeah.

19 MR. SORRELL: Plus there's two other convictions from
20 Scott County. One involved the sale of crack cocaine by an
21 undercover agent working under the direction of Mr. Blakely.
22 We'll have that conviction record and Mr. Blakely's testimony,
23 and we'll also have Mr. Blakely and John Henry testifying
24 about a third conviction event where Mr. Kent was in
25 possession of crack cocaine and another pistol.

1 THE COURT: Okay. And these -- When did these other
2 two convictions occur?

3 MR. SORRELL: They occurred in --

4 THE COURT: Or the underlying.

5 MR. FERRELL: -- 2003, I believe.

6 THE COURT: Okay. More recently then.

7 MR. SORRELL: Oh, yes.

8 MR. LISZEWSKI: I can see, Judge, they're well within
9 the 13-year time period that the Eighth Circuit has upheld for
10 convictions and admissibility.

11 My argument is this, Your Honor: Essentially one of
12 the -- In my opinion, one of the more significant Counts is
13 Count III, the possession with intent to distribute the
14 cocaine base. That carries a mandatory life sentence. My
15 fear is this: That essentially what you're asking a jury to
16 discern is that Tron Kent has been guilty of similar conduct
17 in the past, so -- but we're not going to ask you to consider
18 that as conduct of guilt now. I'm not sure -- And I realize
19 the Eighth Circuit has instructions for that, but I just don't
20 feel that the Eighth Circuit instruction is going to
21 adequately address that because I don't think it's a realistic
22 expectation to ask a jury to separate those elements.

23 And additionally, with respect to the firearm counts
24 that the Government is intending to introduce as 404(b)
25 evidence, there were no convictions on those. The only

1 convictions were on drug cases. And my understanding of the
2 plea transcripts is at no point did Mr. Kent admit to
3 possessing a weapon.

4 MR. SORRELL: That -- Those things are true, but
5 there's only about a hundred cases on this in the Eighth
6 Circuit where evidence exactly like this has been offered and
7 received before with the appropriate instructions limiting the
8 jury's consideration of those facts to the particular purpose.

9 THE COURT: Yeah. I think -- I think based on the
10 current law we have, and, obviously, that includes using an
11 instruction to tell the jury how to look at this evidence, how
12 to consider this evidence, I'll have to overrule that Motion
13 in Limine. So I'll deny that item.

14 Now the DNA?

15 MR. LISZEWSKI: Yes, Ma'am. With respect to No. 5 in
16 my Motion in Limine, it's my understanding from the evidence
17 that Ruth Montgomery is a doctor from the Missouri State
18 Highway Patrol. She would testify potentially that one of the
19 plastic bags in which controlled substances were found had a
20 Y-chromosome that shared similar characteristics with that of
21 Mr. Kent but that she could not confirm that Mr. Kent was the
22 source of that genetic material, nor exclude that.

23 My issue is this, Judge: Under *Daubert* and under
24 Rule 702, it has to be something relevant and useful to the
25 jury. There's nothing useful in an expert getting up there

1 and saying, "Well, in my opinion, this could be consistent
2 with it but I can't confirm it." Essentially she's not going
3 to be able to testify to a reasonable degree of scientific
4 certainty that the genetic material found on that was
5 Mr. Kent's. Accordingly, if she can, that shouldn't be
6 admissible. And my -- You know, just to make sure my
7 objection is fully grounded, I would say that that would
8 deprive him of a fair trial right under the Sixth Amendment.

9 THE COURT: Mr. Sorrell?

10 MR. SORRELL: Your Honor, the scope of the expert's
11 opinion or the quality of the opinion is not a *Daubert* issue.
12 The *Daubert* test is basically designed to find out whether the
13 scientific evidence is reliable and basically is admissible
14 under that gatekeeping function, but that's not the objection
15 that Mr. Liszewski has raised. He's raised an objection
16 saying he doesn't like the opinion that's going to be
17 expressed.

18 If I can, I'll run through it just real briefly to
19 show how we get to this point, --

20 THE COURT: Sure.

21 MR. SORRELL: -- but Miss Montgomery tested for DNA
22 on several samples that were found in the room. She also had
23 a buccal swab from Mr. Kent to use as the sample for his DNA.

24 She first tested a pair of cigarette butts that were
25 found in the room. They came back as matching his DNA within

1 one in several quadrillion.

2 She tested the bed sheets in that room and, again,
3 found the same match; that there was combined DNA. They found
4 basically two people's DNA on that bed sheet that he shared
5 with Amy Doyle. But there's a process whereby she can split
6 out the male semen component of that sample, and she did and
7 she found that that, again, was consistent with Mr. Kent's
8 DNA, and she will say it is consistent.

9 Then on the third sample was the crack cocaine
10 Baggie, one of the crack cocaine Baggies. Again, it showed a
11 DNA from multiple individuals that cannot -- where she says
12 her opinion is that it cannot be -- he cannot be excluded
13 because she separated, again, his DNA into the -- or the DNA
14 on the bag into the Y-chromosome DNA, which is the male DNA,
15 and all of his markers show up.

16 There are 12 locations for DNA characteristics. His
17 marker is on every single one of those markers from his DNA
18 test to what is found on the crack cocaine bag. But since
19 there is two individuals' DNA on the bag or at least two, by
20 her professional standards, the only opinion she can say is he
21 cannot be eliminated, but that's just a fair interpretation of
22 the evidence. That does not have anything to do with the
23 *Daubert* standard. It goes to the weight of the evidence, not
24 its admissibility.

25 THE COURT: Mr. Liszewski?

1 MR. LISZEWSKI: Well, if by the Government's own
2 admission their expert can't say whether or not it is my
3 client, *Daubert* never really becomes a function. It becomes a
4 function of relevance. And if you cannot -- If they cannot
5 say that it is my client or it isn't my client, then the only
6 inference a jury can take from this is going to be a negative
7 inference. And if a jury can't -- If we cannot get a
8 scientific degree of certainty with respect to that opinion,
9 it shouldn't be admissible. That's one of the critical
10 functions of 702, and that's why *Daubert* is incorporated with
11 the relevancy provision of the federal rules.

12 THE COURT: I think that's a determination the jury
13 needs to make, whether it's sufficiently reliable that they
14 can base their verdict on that particular evidence to a
15 reasonable degree of medical certainty beyond a reasonable
16 doubt. So I think that can come in. It seems to me that's
17 the sort of evidence that there should be, and I'm sure it
18 will be subject to vigorous Cross Examination as to why the
19 jury shouldn't believe it or why from the Government's
20 standpoint the jury should believe it. So I think that can
21 come in, so I will deny that.

22 Then what about with respect to Item 6?

23 MR. LISZEWSKI: Judge, that's just a ---

24 THE COURT: What are the bad acts we're talking
25 about?

1 MR. LISZEWSKI: Well, that's the thing. I don't
2 know.

3 THE COURT: Oh. Well, I can't ---

4 MR. LISZEWSKI: In the event something else were to
5 come up at trial. The reason I put that in my Motion in
6 Limine is, first of all, I haven't received notice of it and,
7 secondly, I don't know of any other bad acts besides what the
8 Government has intended to introduce.

9 THE COURT: Okay. Well, I'm just going to deny this,
10 but certainly you have leave to raise anything that comes up.
11 I mean I can't make a ruling on what I don't know I'm making a
12 ruling on.

13 MR. LISZEWSKI: Sure. I understand.

14 THE COURT: Yeah. So I'll deny that but, obviously,
15 if something comes up, you can make the appropriate objection
16 and we'll take it up at that time.

17 MR. LISZEWSKI: Yes, Your Honor.

18 THE COURT: Okay. Is there anything else then that
19 we need to take up before we bring the Jury in?

20 MR. SORRELL: No, Your Honor.

21 MR. LISZEWSKI: Your Honor, I actually just have a
22 couple of other things.

23 THE COURT: Sure. Go ahead.

24 MR. LISZEWSKI: I understand Mr. Gregory and
25 Miss Novotny, they're the case agents. They have a right to

1 stay in here. I just ask for the rule on witnesses, first of
2 all.

3 The second thing I'd ask for, Judge, ---

4 THE COURT: Sure. Any problems? Are there any
5 witnesses other than the case agents in here?

6 MR. SORRELL: There are not.

7 THE COURT: Okay.

8 MR. LISZEWSKI: The second thing I would ask for,
9 Judge, is: As the Court's well aware, I have filed motions in
10 this case and a Motion to Suppress. I filed briefs in support
11 of that. I'm hoping to expedite this. I don't want to have
12 to make objections every time testimony comes out following a
13 search. So what I would ask, and I don't believe the
14 Government would have any objection, is to basically stipulate
15 that my Motion to Suppress would be preserved.

16 THE COURT: A continuing objection?

17 MR. LISZEWSKI: Exactly.

18 THE COURT: Yeah. I don't have any problem if you
19 want to do it that way.

20 MR. SORRELL: We have agreed that that may happen;
21 that any objection raised in the Motion to Suppress or any
22 issue raised on that motion may be observed without another
23 objection.

24 THE COURT: And that's fine with me.

25 MR. LISZEWSKI: I just want to make sure that extends

1 to testimony as well as exhibits.

2 MR. SORRELL: Yes.

3 THE COURT: Sure.

4 MR. LISZEWSKI: Okay.

5 THE COURT: I don't have any problem with that.

6 MR. LISZEWSKI: I have nothing else, Your Honor.

7 THE COURT: Okay. Then I will take the -- We'll
8 bring the Jury out and I'll go ahead and we'll get them sworn,
9 and I'll give them my initial instructions and then we'll
10 proceed into opening statements.

11 (Jury seated by the Clerk.)

12 (The following proceedings were held within the
13 hearing and presence of the Jury:)

14 THE COURT: Good morning, Ladies and Gentlemen.
15 Actually I'm going to ask you to stand up again and be sworn.

16 CLERK: Would you all raise your right hands, and you
17 can respond by saying "I do."

18 You and each of you do solemnly swear or affirm that
19 you will well and truly try and true deliverance make in the
20 case now on trial and render a true verdict according to the
21 law and the evidence, so help you God?

22 THE JURY: I do.

23 CLERK: Be seated.

24 THE COURT: Ladies and Gentlemen, I shall take a few
25 moments now to give you some initial instructions about this

1 case and about your duties as jurors. At the end of the trial
2 I shall give you further instructions. I may also give you
3 instructions during the trial. Unless I specifically tell you
4 otherwise, all such instructions, both those I give you now
5 and those I give you later, are equally binding on you and
6 must be followed.

7 This is a criminal case brought against the Defendant
8 by the United States Government. The Defendant is charged in
9 seven counts as follows: Two counts of being a previously
10 convicted felon in possession of a firearm, two counts of
11 possession of a firearm in furtherance of a drug trafficking
12 crime, one count of possession of more than 50 grams of
13 cocaine base with the intent to distribute, one count of child
14 exploitation, and one count of possession of child
15 pornography.

16 These charges are set forth in what is called an
17 "indictment". You should understand that an indictment is
18 simply an accusation. It is not evidence of anything. The
19 Defendant has pleaded "not guilty" to each charge and is
20 presumed to be innocent unless and until proven guilty of each
21 charge beyond a reasonable doubt.

22 It will be your duty to decide from the evidence
23 whether the Defendant is guilty or not guilty of the crimes
24 charged. From the evidence, you will decide what the facts
25 are. You are entitled to consider that evidence in the light

1 of your own observations and experiences in the affairs of
2 life. You will then apply those facts to the law which I give
3 you in these and in my other instructions and in that way
4 reach your verdict.

5 You are the sole judges of the facts but you must
6 follow the law as stated in my instructions whether you agree
7 with it or not. Do not allow sympathy or prejudice to
8 influence you. The law demands of you a just verdict
9 unaffected by anything except the evidence, your common sense
10 and the law as I give it to you. You should not take anything
11 I may say or do during the trial as indicating what I think of
12 the evidence or what I think your verdict should be.

13 Finally, please remember that only this Defendant,
14 not anyone else, is on trial here and that this Defendant is
15 on trial only for the crimes charged and not for anything
16 else.

17 I have mentioned the word "evidence." Evidence
18 includes the testimony of witnesses, documents and other
19 things received as exhibits, any facts that have been
20 stipulated -- that is, formally agreed to -- by the parties
21 and any facts that have been judicially noticed; that is,
22 facts which I say you may but are not required to accept as
23 true even without evidence. Certain things are not evidence
24 and I will list those for you now.

25 First, statements, arguments, questions and comments

1 by lawyers are not evidence.

2 Second, objections are not evidence. Lawyers have a
3 right to object when they believe something is improper. You
4 should not be influenced by the objection. If I sustain an
5 objection to a question, you must ignore the question and must
6 not try to guess what the answer might have been.

7 Third, testimony that I strike from the record or
8 tell you to disregard is not evidence and must not be
9 considered.

10 Fourth, anything you see or hear about this case
11 outside the courtroom is not evidence unless I specifically
12 tell you otherwise during the trial.

13 Furthermore, a particular item of evidence is
14 sometimes received for a limited purpose only; that is, it can
15 be used by you only for one particular purpose and not for any
16 other purpose. I shall tell you when that occurs and instruct
17 you on the purposes for which the item can and cannot be used.

18 Finally, some of you may have heard the terms "direct
19 evidence" and "circumstantial evidence." You are instructed
20 that you should not be concerned with those terms since the
21 law makes no distinction between the weight to be given to
22 direct and to circumstantial evidence.

23 In deciding what the facts are, you may have to
24 decide what testimony you believe and what testimony you do
25 not believe. You may believe all of what a witness said or

1 only part of it or none of it. In deciding what testimony to
2 believe, consider the witness' intelligence, their opportunity
3 to have seen or heard the thing they testified about, their
4 memories, any motives they may have for testifying a certain
5 way, their manner while testifying, whether they said
6 something different at an earlier time, the general
7 reasonableness of their testimony, and the extent to which
8 their testimony is consistent with other evidence that you
9 believe.

10 During the trial, it may be necessary for me to talk
11 with the lawyers out of your hearing either by having a bench
12 conference here while the Jury is present or by calling a
13 recess. Please understand that while you are waiting, we are
14 working. The purpose of these conferences is to decide how
15 certain evidence is to be treated under the Rules of Evidence
16 and to avoid confusion and error. We will, of course, do what
17 we can to keep the number and length of these conferences to a
18 minimum.

19 Finally, to ensure fairness, you as jurors must obey
20 the following rules. First, do not talk among yourselves
21 about this case or about anyone involved with it until the end
22 of the case when you go to the Jury Room to decide on your
23 verdict.

24 Second, do not talk with anyone else about the case
25 or about anyone involved with it until the trial has ended and

1 you have been discharged as jurors. "Anyone else" includes
2 members of your family and your friends.

3 Third, when you are outside of the courtroom, do not
4 let anyone tell you anything about the case or about anyone
5 involved with it. If someone should try to talk to you about
6 the case, please report it to me immediately.

7 Fourth, you should not talk with or speak to any of
8 the parties, lawyers or witnesses involved in this case. You
9 should not even pass the time of day with any of them. It is
10 important not only that you do justice in this case but that
11 you also give the appearance of doing justice. If a person
12 from one side of the lawsuit sees you talking to a person from
13 the other side, even if it is simply to pass the time of day,
14 an unwarranted and unnecessary suspicion about your fairness
15 might be aroused.

16 If any lawyer, party or witness does not speak to you
17 when you pass in the hall, ride the elevator or the like,
18 please keep in mind that I have instructed them to avoid
19 talking or visiting with you.

20 Fifth, do not read any news stories or articles about
21 the case or about anyone involved with it or listen to any
22 radio or television reports about the case or about anyone
23 involved with it.

24 Sixth, do not do any research or make any
25 investigation about the case on your own.

1 Seventh, do not make up your mind during the trial
2 about what the verdict should be. Keep an open mind until
3 after you have gone to the Jury Room to decide the case and
4 you and your fellow jurors have discussed the evidence.

5 Now that I given you my preliminary instructions, we
6 are ready to begin the trial. We will proceed in the
7 following manner.

8 First, the Government's attorney will make an opening
9 statement which is simply an outline to help you understand
10 what the Government expects to prove.

11 Next, the Defendant's attorney may, but does not have
12 to, make an opening statement. Opening statements are not
13 evidence. The Government will then present its evidence and
14 counsel for Defendant may cross-examine.

15 Following the Government's case, the Defendant may
16 present evidence and the Government's counsel may
17 cross-examine. After presentation of the evidence is
18 completed, the attorneys will make their closing arguments to
19 summarize and interpret the evidence for you. As with opening
20 statements, closing arguments are not evidence. The Court
21 will instruct you further on the law. After that, you will
22 retire to deliberate on your verdict.

23 Mr. Sorrell, would you give your opening statement?

24 MR. SORRELL: Thank you, Your Honor. May it please
25 the Court, Ladies and Gentlemen of the Jury.

1 My name is Keith Sorrell, and I'm the Assistant
2 United States Attorney representing the Government in this
3 case of *The United States of America v. Tron Kent*. This case
4 is charged in seven counts which the Judge has already read to
5 you, but it begins on January the 20th of 2004.

6 On that date, Sikeston Police Officer Joey Henry was
7 engaged in his normal activities as a police officer in the
8 City of Sikeston. While he was there, he received a radio
9 dispatch asking him to go check on a particular man on
10 Westgate Street. The dispatcher told Mr. Henry that there was
11 a black male wearing a dark blue coat and wearing dark pants
12 who was walking down Westgate Street and he was carrying a
13 firearm. The dispatcher asked Officer Henry to make contact
14 with the man to determine if this was true.

15 Officer Henry then left the Police Station in his
16 patrol car to go meet this request. Officer Rappert --
17 Sergeant Rappert from the same department also left in his
18 patrol car to do the same thing.

19 The two officers met on opposite sides or started
20 approaching Westgate Street from opposite sides and started
21 driving toward one another. About the time that they met,
22 they each saw a black male wearing a dark blue coat, wearing
23 dark pants who seemed to fit the description, and he was also
24 a black male.

25 The officers turned around and stopped their cars,

1 and Officer Rappert addressed the man on the sidewalk. He
2 told the man that they needed to talk with him for a minute;
3 that they had a report of a man carrying a firearm that fit
4 his general description and that they would like to pat him
5 down, make sure if he had a weapon or not. If he didn't have
6 a weapon, he would be on his way in a few minutes.

7 The man was standing on the sidewalk with his hands
8 in his coat pockets. Sergeant Rappert directed the man to
9 take his hands out of his coat pockets which the man did.
10 Sergeant Rappert then told him to place his hands on the hood
11 of Sergeant Rappert's patrol car. The man did.

12 The officers then started walking up toward the man
13 at which time the man suddenly stood back up, jammed his hands
14 back in his coat pockets and started to walk away. At that
15 point Officer Rappert drew his service pistol, pointed it at
16 the man and ordered him back to the squad car.

17 Officer Henry, who was behind the man, grabbed him
18 from behind, placing his hands on both the man's arms and
19 putting him on the hood of the patrol car. He then began
20 patting the man down.

21 When Officer Henry reached into the front right coat
22 pocket of the man, he felt a hard metallic object. He reached
23 in the coat pocket and pulled out a Jennings .380 caliber
24 pistol. He handed that pistol up on the car hood so Sergeant
25 Rappert could secure it. The officers checked that firearm,

1 found that it was fully loaded; that it had one round in the
2 chamber. The safety was off. It was ready to fire. The
3 safety on this particular firearm had been disabled. In fact,
4 it could not be placed in a safe position.

5 Officer Henry then told the man that he was under
6 arrest for carrying a concealed weapon. He continued his
7 search. When Officer Henry got to the left side of the coat,
8 he found a plastic or two plastic Baggies. He removed those
9 plastic Baggies from the man's coat pocket. The items
10 contained five rocks each of a substance that appeared to be
11 crack cocaine.

12 The man was arrested and taken to the Police Station
13 there in Sikeston and processed. While there, Mr. Henry
14 discovered that the man's identity was Tron Kent, the
15 Defendant in this particular case.

16 On January 20, 2004, Mr. Kent was a previously
17 convicted felon and was barred from having firearms.

18 Mr. Kent saw Detective Blakely who was also in the
19 Police Station and asked if he could speak to Mr. Blakely and
20 Mr. Blakely said, "Yes, as soon as you're finished with your
21 booking process."

22 About half an hour later, at the end of that process,
23 Mr. Kent was brought up to Detective Blakely's office. And
24 Detective Blakely will tell you that he has a particular
25 procedure that he takes when he interviews a person in that he

1 sits at his desk at his computer and he types in, or he did at
2 this time, typed in the words of the questions that he would
3 ask. He would wait for that person's response. He would
4 denote his question by a "Q." Then when the person would
5 answer, he would denote it by an "A" and a colon and then type
6 out exactly what words that person spoke. He would continue
7 on doing the same thing for each question and each answer
8 during this interview.

9 At the conclusion of these interviews, Officer or
10 Detective Blakely will print out the statement. He'll hand
11 it, the printed copy, to the person he's been interviewing and
12 ask him to review each question and each answer. If the
13 person agrees that the words are correct and true, he is to
14 initial each question and answer, each question and answer
15 separately on the sheet. And then if the statement is true,
16 the person is to sign at the bottom. All these things were
17 done during this interview.

18 During this interview, Mr. Kent admitted that he was
19 a convicted felon and that he knew he was not allowed to carry
20 a firearm. He admitted that he was carrying crack cocaine;
21 that he had purchased it for \$50 and was going to sell it. He
22 said that he didn't have any particular customers; that he
23 just sold it to whoever but he hoped to double his money.

24 Mr. Kent said he bought the pistol in Charleston from
25 a person he didn't name for \$80 and said that he carried it

1 down there because that he knew what this town or Sikeston was
2 like.

3 The Government's evidence will also be that later on
4 in 2004 Mr. Kent appeared before a Circuit Judge and actually
5 pled guilty to the offense of possession of crack cocaine with
6 the intent to distribute. And we will have his plea
7 transcript where he admitted the conduct of carrying the crack
8 cocaine with that intent, and we will have his conviction
9 record where he was convicted of that offense.

10 The Government's case then will turn to May 8th,
11 2006. On May 8th, 2006, the Charleston, Missouri, Police
12 Department knew that there was a felony arrest warrant pending
13 for Mr. Kent, and they were looking for him to try to arrest
14 him. On the evening of May the 8th, about 11:30 or shortly
15 before 11:30, the officers started receiving calls from
16 citizens that Mr. Kent was driving a black Dodge Intrepid and
17 they started reporting that he would be at certain locations,
18 and the officers started narrowing their search down for
19 Mr. Kent.

20 About 11:30 a black Dodge Intrepid was seen by two
21 officers in a patrol car that were Charleston police officers.
22 Those officers were Officer Sutton and Officer Morgan. They
23 determined that the person that was driving that car looked a
24 lot like Tron Kent, and they decided to make a stop on that
25 car. They turned the emergency lights on in their patrol car

1 and got the Dodge pulled over in the City of Charleston. The
2 officers walked up to the car, identified Mr. Tron Kent as
3 being the driver of that vehicle and asked him or ordered him
4 out of the car and to get on the ground.

5 About the time Mr. Kent got on the ground, Sergeant
6 Moody from the Charleston Police Department drove up. He
7 walked up to the scene, observed Mr. Kent on the ground on his
8 stomach and walked up and patted him down on his back, rolled
9 him over and patted him down, and he noticed that Mr. Kent had
10 a cellphone holder clipped to his belt but it was empty but
11 there was a cloth and fabric and plastic cellphone holder
12 there. The officers also noted there was a cellphone in the
13 front driver's seat of the Dodge Intrepid.

14 Those items were seized and Mr. Kent was placed in
15 handcuffs and transported to the Mississippi County Sheriff's
16 Office there in Charleston, along with those items of personal
17 property. Mr. Kent then signed a receipt saying those were
18 his items, and they were all placed in his Personal Property
19 Log.

20 The officers then ran the vehicle registration on the
21 Dodge to see who owned it, and it came back as registered to a
22 lady who lived in Charleston at 501 South Sixth Street. Her
23 name is Sally Doyle.

24 So it was past midnight on May the 9th, that early
25 morning of May the 9th that this happened, but the officers

1 decided to go on over to Miss Doyle's house and try and make
2 contact with her to see why Mr. Kent was driving her car.

3 They drove over to Miss Doyle's house and knocked on
4 the door, and Miss Sally Doyle answered. They informed her
5 that they had arrested Mr. Kent and asked about the car and
6 what her relationship was with Mr. Kent. Sally Doyle
7 indicated that Tron Kent and her daughter, Amy Doyle, who was
8 16 years old, had a relationship and that Mr. Tron Kent was
9 actually living in her house and had been for the past few
10 months and that they shared a bedroom in Amy Doyle's bedroom
11 back in the house.

12 The officers then made contact with Amy Doyle who was
13 asleep in that bedroom. She came out and confirmed the same
14 information. While they were standing there talking, both
15 Amy Doyle and Sally Doyle indicated that the officers could
16 search the bedroom, if they wanted to, and Mr. Moody who was
17 talking to Sally Doyle said that they would like to do that.

18 Now Officer Moody was basically the evidence
19 custodian. He stood in the doorway of the bedroom while the
20 other two officers searched. Officers Sutton and Morgan were
21 also there, and they were doing the search of the bedroom.

22 So when all three officers walked back to the house
23 and took their positions, Officer Sutton walked in the bedroom
24 first. And as soon as he walked in with the light on, he
25 said, "There's a gun right there." And he pointed to a

1 nightstand which had the door open, and laying in that
2 nightstand was a High Standard .22 caliber revolver. The
3 officers photographed it in place -- excuse me -- and seized
4 the weapon and delivered it to Officer Moody. It was checked.
5 The firearm was fully loaded.

6 The firearm in this case as well as the previous case
7 had been manufactured someplace other than Missouri and had
8 affected interstate commerce.

9 The officers seized the firearm after it was
10 photographed, and the search continued. Officer Morgan then
11 turned to a TV stand in the room and saw a Fila shoebox on top
12 of the TV stand. He took it down, opened it up. Inside that
13 shoebox was a Baggie of crack cocaine that contained almost
14 seven grams of crack cocaine and also \$540 of various
15 denominations of United States currency. That box was placed
16 back in its location, photographed and then seized by
17 Officer Moody.

18 The search continued. Officer Morgan then went to
19 the closet of that room, and he opened the door and there's a
20 top shelf in the closet and a clothes rack below that, but on
21 that top shelf was a brown jewelry box. Officer Morgan took
22 that jewelry box down and opened it up. Inside that jewelry
23 box he found four Baggies of crack cocaine that were
24 separately wrapped. They were all stuffed inside this jewelry
25 box. Again, it was placed back in its location, photographed

1 and then seized by Officer Moody.

2 The officers also seized some other items of personal
3 property. They seized a bag of -- a bag of sandwich bags or a
4 box of sandwich bags. They also seized what looked like a
5 men's jacket and a pair of men's jeans. They seized an
6 ashtray off the dresser table that had six or seven cigarette
7 butts in it, and that pretty much concluded their search.

8 The next day DEA Agent Larry Gregory, seated at our
9 table, met with Missouri State Highway Patrol Investigator
10 Jeff Heath. They met at the Mississippi County Sheriff's
11 Office. Again, this is on May the 9th, actually the next full
12 day. They decided they were going to try to make contact with
13 Mr. Tron Kent, and they went back and talked with Mr. Kent.
14 He agreed to visit with the officers, and basically Mr. Kent
15 said several things.

16 He first denied that he was ever in Miss Doyle's room
17 and then he said he was only in the living room. He denied
18 ever being in Miss Amy Doyle's bedroom. Mr. Kent denied
19 possession of any items in that bedroom.

20 Sergeant or Officer Heath asked if he would give a
21 buccal swab to them and he agreed. A buccal swab is a device
22 like a Q-Tip that the officers rub on the inside of the mouth
23 of whoever they want to take a sample from. They obtain DNA
24 cells from the inside of the mouth for later comparison. And
25 so this buccal swab was taken by Officer Heath from both

1 Mr. Kent and Amy Doyle who shared that particular bedroom.

2 As they were leaving, Officer Gregory spoke up and
3 said, "We're going to also seize your cellphone." Mr. Kent
4 said, "It's not my phone. I don't care what you do with it."
5 And so that phone was seized.

6 At the same time that this search or that this
7 conversation was going on, Missouri State Highway Patrolman
8 Don Windham and Officer or Missouri State Highway Patrolman
9 Stolte were back at the Doyle house doing another search.
10 They searched the bedroom again and seized certain items that
11 they wanted to preserve for DNA. They seized the bed sheets
12 off the bed in Amy Doyle's bedroom. They seized a pair of
13 men's boots. Let me go through my list real quickly. They
14 seized a set of license plates. They seized an application
15 for a vehicle title. All these items were in -- The
16 application and the license plates were for a vehicle that
17 Amy Doyle and Tron Kent had purchased.

18 They also picked up some timecards for a place of
19 employment for Mr. Kent with his name on it and dates that he
20 had worked; close to the date of the arrest. They also picked
21 up a bag of men's clothing, some DVD tapes and VCR tapes along
22 with the sheets and pillow cases.

23 The sheets and pillow cases, the cigarette butts, the
24 crack cocaine bags and several other items were sent to Ruth
25 Montgomery up at the Missouri State Highway Patrol Laboratory

1 for DNA analysis.

2 The cellphone then was examined, and it's a cellphone
3 that -- This is the one that was found in the Dodge Intrepid
4 car, but it was examined for what it contained. The officers
5 opened it up and turned it on and read off the scroll-off list
6 of telephone numbers that have been reprinted here for your
7 viewing here today. There's also a phone message recorded --
8 text messages, and there were several messages on there that
9 Amy Doyle will testify they are messages between the two of
10 them, between Tron Kent and Amy Doyle. And Amy Doyle will
11 testify she was with Mr. Kent when he purchased this
12 particular phone.

13 But this phone also has one other characteristic. It
14 will take photographs. And, in fact, if you open it up and
15 turn it on, it has a picture of Mr. Tron Kent as the first
16 photograph that it opens up on but it also had several other
17 photographs. It had two photographs of Amy Doyle that were
18 taken in states of partial nudity, basically from her back
19 side. Amy Doyle will testify that those are pictures of her
20 that Mr. Kent took.

21 There is one other photograph that you will see which
22 is a picture of Amy Doyle and Tron Kent having sex with
23 Mr. Kent's penis inserted into Miss Doyle's vagina.
24 Miss Doyle will testify that that's the people in this
25 photograph and that's the scene that it depicts.

1 She will testify that she has had -- that she's had a
2 sexual relationship with Mr. Tron Kent for some time; that she
3 met Mr. Kent in the first part of December of 2005 through a
4 mutual friend, Julie Stevenson, and that over the course of
5 time, they began dating. That eventually led around
6 Valentine's Day in 2006 with Mr. Kent spending all of his
7 evenings over there with the exception, I believe, of one week
8 when he went to Chicago.

9 During several of these incidents -- or they were
10 having sex on a regular occasion, but Mr. Kent would ask that
11 he be allowed to take pictures of them having sex. At first
12 Amy Doyle refused, declined to do so, but eventually on
13 February the 25th she agreed that Mr. Kent could take that
14 picture. He picked up his cellphone, Mr. Kent did, and
15 snapped this particular photograph. On that date, Amy Doyle
16 was 16 years old. She was a minor as defined by federal
17 statutes.

18 Amy Doyle will also testify that she has seen
19 Mr. Kent bring crack cocaine into her bedroom; that he used
20 the brown jewelry box to store that crack cocaine in; that
21 she's seen Mr. Kent in possession of a pistol, the revolver, I
22 mean that has -- we talked about earlier that was found in
23 that bedroom; that the first time she saw that pistol was on
24 New Year's Eve; that on that day they were all over at
25 Julie Stevenson's house and Mr. Kent was firing that pistol on

1 New Year's Eve; that he offered to let her shoot it. She
2 declined.

3 She will even say that Mr. Kent was very careful with
4 the pistol when he would store it in that nightstand where it
5 was found; that he would even take and wipe it on his shirt
6 before he would lay it down in the nightstand.

7 Several of the items that you have heard about were
8 sent to Ruth Montgomery of the Missouri State Highway Patrol
9 Laboratory in Jefferson City. Miss Montgomery is the person
10 who conducts their DNA examinations on the evidence. And she
11 starts off with doing a DNA examination on the buccal swabs
12 that were given to her from Mr. Kent and from Miss Doyle. She
13 developed a DNA signature or a DNA analysis of those two
14 buccal swabs for comparison to other items, and then she
15 compared her results to DNA examinations made to other items.

16 What she found was that the cigarette butts -- she
17 tested two of them, and they both came back as being
18 consistent with Tron Kent's DNA to the probability in the
19 black population of 1 to 16.6 quadrillion. That's how often
20 you would expect to see these same alleles in a person.

21 She also tested the bed sheets, and she found on the
22 bed sheets that there was a combined DNA sample, and it
23 appeared to be a combined mixture of Tron Kent and Amy Doyle
24 as you might expect. But there's a process where the DNA
25 examiner can split off the semen, the male semen component of

1 that stain, and she ran this stain through that process and
2 examined only the male component or examined only the
3 component of the semen which is going to be contributed by the
4 male from that sheet and found, again, it was consistent with
5 Mr. Kent's DNA again to the same level of frequency of 1 in
6 16.6 quadrillion.

7 The crack cocaine that was found in the jewelry box,
8 as I told you, was wrapped in four separate Baggies. Those
9 Baggies were also sent to the Missouri State Highway Patrol
10 Lab for her analysis, and she tested all four of them. On
11 three of the bags there was no DNA or an insufficient amount
12 to result in the test but on the fourth bag, though, there was
13 DNA material. Once again, it turned out to be consistent with
14 DNA from more than one individual. And, again, it appeared to
15 be an overlay of Amy Doyle's DNA and Mr. Tron Kent's DNA.

16 There's a process whereby the examiner can split out
17 the Y-chromosome on the DNA sample just to look at the male
18 component; that in the chromosomal language, women have two
19 X-chromosomes and men have a Y- and an X-chromosome. So she
20 only looked at the Y-chromosome which is what men inherit from
21 their fathers.

22 When she did that examination, she looked at all the
23 different markers, and they call these markers "alleles," but
24 she looked at all these different markers, and you'll see the
25 chart where they line up. And Tron Kent has certain alleles

1 that are set out on his chart. And this -- The crack cocaine
2 Baggie has certain alleles only on the Y-chromosome that are
3 set out on this chart, and they are an exact match.

4 Since it's a combined DNA, Miss Montgomery will only
5 say that he cannot be eliminated as the contributor of this
6 DNA. That's basically how she's -- or what she's required to
7 say as part of her professional standards, but you will see
8 that the DNA charts all wind up exactly.

9 Ladies and Gentlemen, after we present all of this
10 evidence to you, we will ask that you find Mr. Tron Kent
11 guilty of the offense of being a felon in possession of a
12 firearm on January 20th, 2004; of using that firearm in
13 furtherance of -- or possessing it rather in furtherance of a
14 drug trafficking felony. And then switching to May the 8th
15 and 9th, that he was a felon in possession of that .22 caliber
16 revolver; that he was possessing that particular firearm in
17 furtherance of a drug trafficking crime, and that he was in
18 possession of more than 50 grams of crack cocaine. The crack
19 cocaine in the jewelry box weighed almost 69 grams, I believe,
20 but there was more than 50 grams of crack cocaine found in the
21 room. And that on the same dates, that Mr. Tron Kent was
22 guilty of possessing child pornography and also guilty of
23 distributing or producing child pornography by making it on
24 the cellphone. And we'll ask that you come back with those
25 verdicts. Thank you.

1 THE COURT: Thank you. Mr. Liszewski?

2 MR. LISZEWSKI: Thank you, Your Honor. Ladies and
3 Gentlemen, what I'm going to talk to you about today and
4 tomorrow and possibly Thursday is how preconceived notions can
5 lead to quick and hasty judgments.

6 March 9th, 2006, Tron Kent is arrested. He's
7 arrested on a warrant unrelated to the present case. He is
8 arrested, taken to jail. They frisk him. Officer Moody, he's
9 a detective with the Charleston Department of Public Safety.
10 He frisked him; found no drugs, found nothing to indicate
11 drugs, found no client list, found no large amounts of money,
12 no denominations, no bills.

13 The cellphone, Mr. Kent said, "I did not own that
14 cellphone. It's not my phone." Now he is arrested and he is
15 taken to the Police Station where he is processed, where he is
16 booked. The police do go to the Doyle residence in
17 Charleston, Missouri. Now what happens is they ask for
18 permission to search and they get permission to search from
19 the mother, Sally Doyle. In that house, yes, they found drugs
20 and they found guns. However, the location where the drugs
21 were found, you're going to see a Size 6-1/2 shoebox for a
22 female women's shoe. That's where the drugs were found, part
23 of the drugs. You're going to see a brown jewelry box about
24 yea big, about yea deep. That's where the drugs were found.
25 You're going to find -- You're going to see a gun. The gun

1 was found in a nightstand above baseball cards.

2 Now how do we know all that?

3 Amy Doyle was arrested and taken to the Charleston
4 Department of Public Safety for possession of cocaine base and
5 a firearm. As she's arrested, she meets Agent Gregory and
6 Trooper Heath. At some point the impetus of cooperation
7 became apparent. Miss Doyle agreed to cooperate with the
8 Government, admitted that she found -- that the drugs found
9 were in her shoebox, her jewelry box. The gun was found in
10 her nightstand on her brother's baseball cards.

11 Amy Doyle is not on trial today. Amy Doyle has never
12 been federally charged.

13 MR. SORRELL: Objection to the argument, Your Honor.

14 THE COURT: Sustained.

15 MR. LISZEWSKI: Today Tron Kent is on trial for the
16 drugs that were found in a shoebox and in a jewelry box which
17 Amy Doyle readily admits were hers. After Miss Doyle is
18 released, approximately a month later, the police come back
19 and they show her a cellphone. Miss Doyle at this point is
20 cooperating, and she indicates that that is Tron Kent and her
21 on a cellphone. This, of course, was after being arrested.

22 Sometime later Amy Doyle meets with Miss Novotny, an
23 agent with the Secret Service. She's still cooperating. She
24 says that, of course, the pictures on the cellphone had to be
25 her and Tron Kent; of course. The Government has taken

1 significant steps to show and to prove Amy Doyle right. They
2 tried to get fingerprints on the box, the jewelry box where
3 the DNA was. You're not going to hear any evidence of
4 Tron Kent's fingerprints on that jewelry box.

5 You're going to hear about a shoebox. That shoebox
6 was not tested for fingerprints. That shoebox was not tested
7 for DNA.

8 You're going to hear about a plastic bag that
9 Ruth Montgomery is going to talk about. Ruth Montgomery
10 cannot say to a medical degree or to a scientific degree of
11 certainty that that was Tron Kent's DNA on those bags.

12 Now Tron Kent's not an angel. He's had problems in
13 the past, and you've heard it today. Tron Kent has three
14 prior felony convictions. They're all drug related.

15 At this point Tron Kent was living with Amy in the
16 household. He was staying there, but he still had a house on
17 Addis Street in Charleston, Missouri. That's also listed on
18 his booking sheet. The clothes that were seized from the
19 house, they were seized in a little pile at the corner of her
20 room. There -- To my knowledge, there were no clothes where
21 the drugs were found or where the gun was found that were
22 Tron Kent's. There were cigarette butts. Cigarette butts,
23 there's nothing illegal about smoking cigarettes.

24 And at that point -- Strike that.

25 Essentially the gun -- Excuse me. The gun itself, no

1 fingerprints on the gun, no DNA on the gun. Interestingly
2 enough, the one person who has readily admitted to having
3 contact with this gun was Amy Doyle. She's going to tell you
4 she's had this gun.

5 In this case Amy Doyle also had a previous
6 relationship with a man by the name of Chris Scott.
7 Anthony Moody is going to tell you that Chris Scott was a
8 suspected drug dealer in Charleston.

9 MR. SORRELL: Judge, let me object to that unless
10 this is evidence that Mr. Liszewski is going to introduce.

11 THE COURT: Do you want to step up here?

12 (The following proceedings were held at sidebar,
13 outside the hearing of the Jury:)

14 MR. SORRELL: Basically he's putting on character
15 evidence.

16 THE COURT: Wait a minute. Okay.

17 MR. SORRELL: Basically he's putting on character
18 evidence in his opening statement of another witness that
19 wouldn't be allowed as evidence if that witness were even
20 called.

21 THE COURT: You want to speak in here?

22 MR. LISZEWSKI: I'm sorry. Your Honor, in this case
23 I expect that Officer Moody would testify that Chris Scott was
24 a suspected drug dealer who was living in the house
25 beforehand, before Mr. Kent took up residence there. Now

1 there is evidence, also, with the DNA of at least a mixture of
2 two individuals on the bed sheets. So it would be consistent
3 and it would be admissible to argue that it's possibly someone
4 else's drugs.

5 THE COURT: We're not at a stage of arguing. We're
6 at a stage of what your evidence is; you know, what evidence
7 is going to be presented. I don't know if you're going to
8 present any evidence, but unless you're going to call somebody
9 and you're going to produce this stuff, ---

10 MR. LISZEWSKI: I expected Detective Moody will
11 testify to that on Cross Examination.

12 THE COURT: Well, I don't think that's something to
13 bring up in Direct unless you have something more to back it
14 up.

15 MR. SORRELL: Basically Morgan couldn't testify or
16 Moody couldn't either as to the characteristics of that person
17 no matter what.

18 THE COURT: Obviously, if you're going to get
19 something out of Cross Examination, but I think you better
20 wait because you're planting something that may or may not be
21 admissible. Obviously, they're going to object. Even if it
22 can, then that's something you're going to have to argue about
23 if it does get in.

24 MR. LISZEWSKI: Okay. That's fine.

25 (The following proceedings were held within the

1 hearing and presence of the Jury:)

2 THE COURT: Go ahead.

3 MR. LISZEWSKI: Thank you, Your Honor. The last
4 thing Miss Montgomery is going to testify to is there is a DNA
5 nonsperm sample that was tested on the bed sheet, and that bed
6 sheet was a mixture. The DNA profile developed could be
7 characteristic of at least two individuals. We have no idea
8 other than the testimony of Amy Doyle if anyone else was in
9 that house.

10 Ladies and Gentlemen, I have no idea whose drugs
11 these are, but I'm confident the evidence is going to prove
12 they're not Tron Kent's. I'm going to ask you to return a
13 verdict of "not guilty" on that.

14 With respect to the gun, I'm going to ask you to
15 return a verdict of "not guilty" on that as well.

16 With the pictures on the cellphone, the only evidence
17 tying that cellphone is Amy Doyle. And based on that, I'm
18 going to ask you to find Tron Kent "not guilty" on that as
19 well. Thank you.

20 THE COURT: Thank you. Mr. Sorrell, would you call
21 your first witness?

22 MR. SORRELL: Your Honor, I'll call Joey Henry. And
23 may I read a stipulation that we've stipulated to?

24 THE COURT: Certainly; you may.

25 MR. SORRELL: Mr. Liszewski, I'm going to read the

1 first paragraph.

2 MR. LISZEWSKI: Sure. May I?

3 MR. SORRELL: Yes.

4 MR. LISZEWSKI: Absolutely.

5 THE COURT: You may proceed. Go ahead.

6 MR. SORRELL: Ladies and Gentlemen, the stipulation
7 reads: The Defendant, Tron Kent, has been convicted of a
8 felony; that is, a crime punishable by imprisonment for a term
9 exceeding one year and, therefore, was a previously convicted
10 felon under the laws of the State of Missouri on or about
11 January 20, 2004, and May 9, 2006.

12 THE COURT: Thank you.

13 Sir, do you want to step up here and be sworn?

14 **OFFICER JOEY HENRY,**

15 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS
16 FOLLOWS:

17 THE COURT: You may inquire.

18 MR. SORRELL: Thank you.

19 DIRECT EXAMINATION

20 QUESTIONS BY MR. SORRELL:

21 Q Would you state your name, please?

22 A Joey Henry.

23 Q Where are you employed?

24 A Sikeston Department of Public Safety.

25 Q And what is your rank?

1 A I'm a Public Safety Officer, PSO.

2 Q All right. Basically a police officer?

3 A Yes, sir.

4 Q And how long have you been employed in law enforcement?

5 A Six years, sir; going on six years.

6 Q All right. Now were you on duty in Sikeston, Missouri,
7 shortly before midnight on January 20, 2004?

8 A Yes, sir, I was.

9 Q And that whole evening?

10 A Yes, sir.

11 Q Now did you receive some kind of request from your police
12 dispatcher?

13 A Yes, sir.

14 Q And what was that request?

15 A To go to the area of the 200 block of Westgate; a
16 suspicious black male possibly carrying a loaded weapon
17 wearing a dark colored blue coat.

18 Q All right. Did you, in fact, go to that location?

19 A Yes, sir, I did.

20 Q Did any other officer go with you?

21 A Yes, sir; my Sergeant that was on duty.

22 Q And what's his name?

23 A Rappert.

24 Q Sergeant Rappert?

25 A Yes, sir.

1 Q And were each of you driving separate patrol cars?

2 A Yes, sir, we was.

3 Q Which end of Westgate Street did you approach from?

4 A I approached from the south end of Westgate.

5 Q Which end did Officer Rappert approach from?

6 A From the north end of Westgate.

7 Q So you were driving toward each other?

8 A Yes, sir, we were.

9 Q And if you would, tell the Jury what you saw as you were
10 driving down Westgate Street in Sikeston.

11 A As I was driving down Westgate, I observed a black male
12 walking south on Westgate which fit the description that
13 Dispatch had given me. I drove passed him and as I drove
14 passed, Sergeant Rappert, he drove passed me. We both stopped
15 our vehicle and exited our vehicles.

16 Q All right. And if you would tell the Jury what happened
17 as soon as you and Sergeant Rappert got out of your vehicles.

18 A As soon as we stopped our vehicles and got out,
19 Sergeant Rappert spoke to the gentleman walking and asked him
20 to stop; that he needed to speak with him. And I stopped and
21 was walking up towards behind him, and he told him why we was
22 there; we was there to investigate someone with a possible
23 handgun.

24 Q When you say someone was speaking, who was speaking at
25 this time?

1 A Sergeant Rappert.

2 Q Okay. And did he tell the man anything about his hands?

3 A Yes, sir. He asked him to remove his hands from his
4 pockets.

5 Q And did Sergeant Rappert say anything about how long you
6 folks would be there with him?

7 A Just -- Just long enough to investigate the stop.

8 Q All right. And did Officer Rappert then direct the man
9 to do any particular action?

10 A He directed him to move his hands from his pocket, to
11 step toward his patrol car and place his hands on the hood of
12 the car.

13 Q Did the man obey?

14 A Yes, sir, he did.

15 Q What happened after the man placed his hands on the
16 patrol car?

17 A At that time I came up from behind him; was coming up
18 from behind him. I told him that I wanted to pat him down to
19 ensure there was no weapon to be found. And at that time, as
20 I got close to him, the man moved his hands from the hood of
21 the car; stood upright. Sergeant Rappert told him to place
22 his hands back on the car, and at that time he didn't. And by
23 that time, I grabbed a hold of him, pushed him to the car, and
24 started to pat him down.

25 Q And if you would, tell the Jury what happened during this

1 patdown.

2 A As I patted him down, I felt what I believed to be was a
3 weapon located in his right front pocket.

4 Q And what did you do upon -- And how did you make this
5 determination? What did that object feel like?

6 A It felt like a metal object or the shape of a gun.

7 Q All right. And were you patting the outside of the
8 jacket at this time?

9 A Yes, sir.

10 Q And what did you do after you felt this object from the
11 outside of the jacket?

12 A I basically said, "Gun!" And I placed my hand in his
13 pocket and removed the weapon from there to get it away from
14 him.

15 Q And what was the purpose of you saying "Gun" out loud?

16 A To let my -- To let my Sergeant know that I did find a
17 weapon.

18 Q All right. So when you took the handgun out of the right
19 front pocket of this gentleman, where did you place it?

20 A I placed it -- I placed it on the hood. I pushed it
21 toward my Sergeant, where he was standing at.

22 Q And did he take custody of that firearm?

23 A He took custody of the gun, yes.

24 Q Did you tell the man anything at that particular point?

25 A At that time and place I told him that he was placed

1 under arrest for carrying a concealed weapon and I continued
2 the incident for arrest; to search incident to the arrest.

3 Q If you would, describe the continuation of your search.

4 A At that time I started to search him. I located -- In
5 his left front pocket I located what -- a hard object that I
6 believed to be was crack cocaine. And I removed that from the
7 pocket and I gave it to my Sergeant at that time and continued
8 my search from there.

9 Q All right. And did you find anything else of
10 significance on the man that you detained?

11 A Just the Baggies with the -- They had five hard
12 substances. One had five white individually wrapped and five
13 yellow individually wrapped.

14 MR. LISZEWSKI: Your Honor, briefly I would just like
15 to object subject to my Motion in Limine.

16 THE COURT: Sustained.

17 MR. SORRELL: Are you basically preserving the
18 objection, Your Honor?

19 THE COURT: Yeah.

20 MR. SORRELL: All right. But the witness may answer?
21 I just didn't want to ---

22 THE COURT: No, no. He can answer. That will be
23 preserved.

24 MR. SORRELL: All right.

25 Q (By Mr. Sorrell) The -- So was the man detained at the

1 scene?

2 A Yes, sir.

3 Q Placed in handcuffs?

4 A Yes, sir, he was.

5 Q Was he transported then to the Police Department?

6 A Yes, sir. I placed him in my police unit and I
7 transported him to headquarters.

8 Q Did you examine the firearm?

9 A Yes, sir, I did.

10 Q And did you note whether the firearm was loaded or
11 unloaded?

12 A Yes, sir. I noted it was loaded with one round in the
13 chamber.

14 Q And what was the position of the safety on this gun when
15 you discovered it?

16 A Well, sir, the safety, there had been one there but the
17 safety was removed from the weapon, so the weapon was ready to
18 fire.

19 Q All right. It was -- basically could not be placed in a
20 safe position?

21 A Yes, sir.

22 Q Okay. And did you take a look at the rocks that you
23 found in the plastic Baggies?

24 A Yes, sir, I did.

25 Q And how many different plastic Baggies were there?

1 A There was -- There was five in a bag, and they was all
2 individually wrapped.

3 Q And how many bags of five were there?

4 A There was -- well, ten.

5 Q Okay. There were two different bags?

6 A Yes, sir, two different bags.

7 Q Okay. And were you able to finally get an identification
8 on the man that you stopped at Westgate Street on January 20,
9 2004?

10 A Yes, sir, I was.

11 Q And who was that man?

12 A Tron Kent.

13 Q If you would, pick up Exhibit 1-A from that box, please.
14 And would you take the item out of that bag, please? Would
15 you tell the Court what Exhibit 1-A is?

16 A What that is? It is a Jennings -- It's a Jennings
17 handgun, .380.

18 Q And does that gun have any significance to the man that
19 you stopped on the street? On Westgate Street?

20 A Yes, sir. This is the weapon that I removed from his
21 pocket.

22 MR. SORRELL: Your Honor, I'll offer Exhibit 1-A.

23 THE COURT: 1-A is admitted.

24 Q (By Mr. Sorrell) Does that weapon have a serial number
25 on it, sir?

1 A Yes, sir.

2 Q And would you read that into the record? That's fine.

3 A 923687.

4 Q All right. And was that pistol logged into evidence at
5 the Sikeston Police Station?

6 A Sir?

7 Q Was that pistol locked or logged into evidence at the
8 Police Station?

9 A Yes, sir, it was.

10 Q And what's the procedure that you take for logging
11 evidence in? Do you use evidence bags or ---

12 A Yes, sir, we use evidence bags, too, and a chain of
13 custody.

14 Q All right. And if you would, take a look. In that same
15 packet, I believe, is an exhibit marked as 1-D. It may be
16 marked on the back side.

17 A Yes, sir.

18 Q Would you pull that out, please? And what is that
19 exhibit?

20 A This is -- It is the -- It says "1-D"?

21 Q Yes.

22 A It is the pistol or paper for the pistol.

23 Q It's basically the evidence bag.

24 A Yes, sir.

25 Q Okay.

1 A Okay.

2 Q And with the chain of custody information on it and the
3 other bag and the envelope; is that right?

4 A Yes, sir.

5 Q Okay. And who filled out the evidence tag for that
6 particular bag?

7 A I did, sir.

8 Q All right. And was it filled out at the time that
9 Mr. Kent was arrested?

10 A Yes, sir.

11 Q What items were placed in that particular bag?

12 A What was placed in here was the Jennings .380
13 semi-automatic and the Jennings automatic -- the auto
14 pistol -- the magazine and the ammunition, sir.

15 Q All right.

16 MR. SORRELL: Your Honor, I'll offer 1-D.

17 THE COURT: That's admitted.

18 Q (By Mr. Sorrell) Sir, if you would repackage those
19 items, please, just so we don't get them lost.

20 And now, sir, if you would reach in the box and
21 retrieve Exhibit 1-B. Would you tell the Court what that
22 exhibit is, please?

23 A It's a magazine for the pistol, sir.

24 Q That's the same one you seized that night on January 20,
25 2004?

1 A Yes, sir.

2 MR. SORRELL: Your Honor, I'll offer Exhibit 1-B.

3 THE COURT: 1-B is admitted.

4 Q (By Mr. Sorrell) Sir, if you would, pull out Exhibit
5 1-C.

6 A Okay.

7 Q And if you would, tell the Court what that exhibit is,
8 please.

9 A It's eight rounds for a .380 pistol.

10 MR. LISZEWSKI: Your Honor, I want to renew my Motion
11 in Limine, Paragraph 4.

12 THE COURT: You may renew it. It's overruled. Go
13 ahead, sir.

14 Q (By Mr. Sorrell) Go ahead, sir.

15 A Yes. Eight rounds for the .380 pistol.

16 Q All right. And are those the rounds that you took from
17 the firearm that night?

18 A Yes, sir.

19 Q And is there an evidence card, also, on those rounds?

20 A Yes, sir.

21 Q And basically they're placed in an envelope. Is that
22 right?

23 A Yes, sir.

24 Q And were they the correct caliber of ammunition for that
25 pistol?

1 A Yes, sir, it was.

2 Q Okay.

3 MR. SORRELL: I offer 1-C, please.

4 THE COURT: 1-C is admitted.

5 Q (By Mr. Sorrell) Officer, would you turn to Exhibit 2-A
6 in the same box, please? And if you would, would you tell the
7 Court what that particular exhibit is?

8 A It's the crack cocaine I removed from Mr. Kent's pocket.

9 MR. LISZEWSKI: Your Honor, I would like to, again,
10 renew Paragraph 4.

11 THE COURT: You may.

12 MR. LISZEWSKI: Your Honor, can I have a continuing
13 objection so I don't have to interrupt?

14 THE COURT: You may.

15 MR. SORRELL: And I'll agree that that may be
16 continuing.

17 THE COURT: Fine. Go ahead, sir.

18 Q (By Mr. Sorrell) Would you continue with your answer,
19 please?

20 A Yes, sir. It's the items that I removed from Mr. Kent's
21 pockets.

22 Q All right. And would you hold that up so the Jury ---

23 MR. SORRELL: I'll offer Exhibit 2-A, please.

24 THE COURT: 2-A is admitted.

25 Q (By Mr. Sorrell) Would you hold that up for the Jury to

1 see? But basically is the crack cocaine contained in two
2 Baggies?

3 A Yes, sir, it is.

4 Q And is there also another Baggie with the lab ground-up
5 sample?

6 A Yes, sir.

7 Q Okay. That's all contained within Exhibit 2-A. And is
8 there, also, an evidence bag in that exhibit marked 2-B?

9 A Yes, sir.

10 Q And what evidence bag is that for or evidence receipt, I
11 mean?

12 A It's for the small -- the bags -- the items pulled out
13 from Mr. Kent's pocket.

14 Q Okay. For the crack cocaine?

15 A For the crack cocaine.

16 Q Basically that's just an inventory sheet. Is that
17 correct?

18 A Yes, sir; chain of custody.

19 Q Keeps track of who has the evidence at any one time?

20 A In the chain of custody, that's right, sir.

21 Q All right.

22 MR. SORRELL: Your Honor, I'll offer Exhibit 2-B.

23 THE COURT: 2-B is admitted.

24 Q (By Mr. Sorrell) Now are you familiar with
25 semi-automatic pistols similar to the one that's marked as

1 Exhibit 1-A?

2 A Yes, sir.

3 Q And are you familiar with how these firearms are loaded
4 and used?

5 A Yes, sir, I am.

6 Q In order to fire a round from Exhibit 1, assuming that
7 it's completely unloaded, what steps do you have to take in
8 order to get it to fire a round out the barrel?

9 A First of all, I have to obtain ammunition, load the
10 magazine, place the magazine into the butt of the weapon,
11 charge the slide handle, let it go forward which would chamber
12 a round into it. And if this had a safety on it, remove it
13 from safe, to take it off safety, and then place my finger on
14 the trigger and pull the trigger.

15 Q So you've named six, seven or eight steps. Is that fair?

16 A Yes, sir.

17 Q How many steps were left -- In the condition this pistol
18 was found in, how many steps were left in order to get that
19 pistol to fire when you found it?

20 A Just to squeeze the trigger, sir, and that was it.

21 Q All right. Now do you see the person in the courtroom
22 today that you took the firearm and the crack cocaine -- the
23 crack cocaine Baggies from?

24 A Yes, sir, I do.

25 Q And would you identify that person for the Court and the

1 Jury, please?

2 A He's sitting directly in front of me; hair is in braids;
3 greenish-looking colored shirt; black male.

4 MR. SORRELL: Would the record reflect that the
5 witness has identified the Defendant?

6 THE COURT: It may.

7 MR. SORRELL: Thank you. Nothing further.

8 THE COURT: Mr. Liszewski?

9 MR. LISZEWSKI: I have no questions.

10 THE COURT: Thank you, sir. You may step down.

11 MR. SORRELL: I call John Blakely, please.

12 THE COURT: Okay.

13 **DETECTIVE JOHN BLAKELY,**

14 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS
15 FOLLOWS:

16 THE COURT: You may inquire.

17 MR. SORRELL: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 QUESTIONS BY MR. SORRELL:

20 Q Would you state your name, please?

21 A John Blakely.

22 Q And would you spell your last name for the court
23 reporter?

24 A B-L-A-K-E-L-Y.

25 Q How are you employed?

1 A I'm a detective and a fireman with the City of Sikeston.

2 Q What's your current rank?

3 A Detective.

4 Q How long have you worked in law enforcement?

5 A Sixteen years.

6 Q Always with the Sikeston Police Department?

7 A No, sir. I've been with Sikeston now a little over 11
8 years.

9 Q And where did you work before that?

10 A Bollinger County and Scott City Police Department.

11 Q Okay. Did you have an occasion to meet with Tron Kent
12 after his arrest on January 20, 2004?

13 A Yes, sir.

14 Q Where did you meet with Mr. Kent at the first time?

15 A In the Booking Room at Sikeston City.

16 Q And at that time did Mr. Kent have any nicknames that you
17 were aware of?

18 A Yes, sir.

19 Q And what nickname did he go by?

20 A TKO.

21 Q And if you would, describe to the Jury what happened when
22 you saw Mr. Kent in the Booking Room.

23 A He asked me if we could talk.

24 Q What did you reply to that?

25 A I told him as soon as he was done being processed.

1 Q Was Mr. Kent eventually brought to your office?

2 A Yes, sir.

3 Q About how much later?

4 A About 30 minutes later.

5 Q Did you interview Mr. Kent in your office?

6 A Yes, sir.

7 Q At that time did you take certain steps when you
8 interviewed witnesses or people that you wanted to get
9 recorded statements from?

10 A Yes, sir.

11 Q And would you describe that process briefly to the Jury?

12 A Yes, sir. At that time I would sit at my computer. I
13 would have the subject sit near me. I would then ask him his
14 questions that I needed to know. Then I would type in the
15 answer that he would give me. Then after the interview was
16 completed, I would save it to the computer, print the form,
17 show it to the subject, have them read each question and
18 answer, and then put their initials next to it to make sure
19 it's exactly what I said to them and what they responded back.

20 Q And did you follow those steps with your interview of
21 Mr. Kent?

22 A Yes, sir.

23 Q All right. And are those typed statements made at the
24 time of the interview?

25 A Yes, sir.

1 Q And are they kept in the regular course of business at
2 your Police Station?

3 A Yes, sir.

4 Q Does the written component of your statement that you
5 made that night, does it accurately reflect the conversation
6 that you had with Mr. Kent and his responses?

7 A Yes, sir.

8 MR. SORRELL: May I approach the witness, Your Honor?

9 THE COURT: You may.

10 Q (By Mr. Sorrell) Sir, I've handed you what's been marked
11 as Exhibit 3. Would you tell the Court what that exhibit is,
12 please?

13 A It's a -- It appears to be a copy of the statement that I
14 took with Mr. Kent.

15 Q And does it appear to be unchanged from the original
16 version that you had when you made the first copy or the first
17 printed copy?

18 A Yes, sir.

19 MR. SORRELL: Your Honor, I'll offer Exhibit 3.

20 THE COURT: Exhibit 3 is admitted.

21 Q (By Mr. Sorrell) Sir, if you would, would you read
22 that -- or let me go through it first. First, there are
23 questions and answers on Exhibit 3. Is that right?

24 A Yes, sir.

25 Q And who spoke the questions on that sheet?

1 A I did.

2 Q Who spoke the answers?

3 A Mr. Kent.

4 Q And are they denoted by a particular symbol for
5 difference between questions and answers?

6 A Yes, sir.

7 Q How is that.

8 A The question has a "Q" and the answer has an "A."

9 Q And there's basically two pages of questions and answers.
10 Is that fair?

11 A Yes, sir.

12 Q Is there any initials on the left-hand side of each
13 question and answer?

14 A Yes, sir.

15 Q What are those initials?

16 A "TK."

17 Q And who placed the ink on the paper for those initials?

18 A Tron Kent.

19 Q Is there a signature at the bottom of that page?

20 A Yes, sir.

21 Q And whose signature is that?

22 A Tron Kent.

23 Q And who placed the ink on the page for that signature?

24 A Tron Kent.

25 Q Was that done after the interview was concluded?

1 A Yes, sir.

2 Q If you would, would you read the interview from beginning
3 to end, please?

4 A Yes, sir.

5 (Q) State your full name ---

6 MR. LISZEWSKI: Objection. The exhibit is the best
7 evidence. The document speaks for itself.

8 THE COURT: Overruled.

9 Q (By Mr. Sorrell) You may continue.

10 A (Q) State your full name, date of birth, SSN,
11 address and phone number.

12 (A) Tron Kent, 4-6 of '80; 498-82-0380; 109 South
13 Locust Street, Charleston, Missouri, 63832.

14 (Q) Have you been read the *Miranda* waiver?

15 (A) Yes.

16 (Q) Do you understand the rights that they're read
17 to you?

18 (A) Yes.

19 (Q) Do you work at anyplace?

20 (A) No. I go to school full-time.

21 (Q) Were you stopped on Westgate Street by the
22 police?

23 (A) Yes.

24 (Q) Were you arrested?

25 (A) Yes.

1 (Q) Why?

2 (A) Because they found a gun on me.

3 (Q) What type of gun was it?

4 (A) A black .380.

5 (Q) Where did you get it?

6 (A) I bought it off the street for 80.

7 (Q) How long did you buy it -- How long ago did you
8 buy it?

9 (A) A month ago in Charleston.

10 (Q) Do you always carry it with you?

11 (A) No.

12 (Q) How come tonight?

13 (A) I'm not from here and I have heard about this
14 place.

15 (Q) How much weight of crack did you have on you
16 when you were arrested?

17 (A) I don't know. It was a double-ups that I paid
18 \$50 for.

19 (Q) How much profit would you have made?

20 (A) \$50.

21 (Q) How long have you had the drugs on -- Excuse
22 me. How long have you had the drugs you had on you?

23 (A) Two days. I got it from a guy I know in
24 Charleston.

25 (Q) Have you dealt with this guy in the past?

1 (A) Yes; plenty of times.

2 (Q) Did you know it was wrong for a convicted felon
3 to be in possession of a weapon?

4 (A) Yes.

5 (Q) What type of drugs did you have?

6 (A) Crack cocaine.

7 (Q) Did you know it was wrong for you to be in
8 possession of crack cocaine?

9 (A) Yes.

10 (Q) Is this the only gun that you own?

11 (A) Yes.

12 (Q) Do you have steady people you sell crack to?

13 (A) No; just whoever.

14 (Q) Do you use crack cocaine?

15 (A) Yes, I have.

16 (Q) Was the gun loaded?

17 (A) Yes.

18 (Q) Do you know if the gun is stolen?

19 (A) No.

20 (Q) Is everything you told me true and correct?

21 (A) Yes.

22 (Q) Is there anything else you want to add to this
23 statement?

24 (A) No.

25 (Q) Have you been forced or promised anything to

1 give me this statement?

2 (A) No.

3 Q Do you see the person in the courtroom who gave you that
4 statement?

5 A Yes, sir.

6 Q And would you point him out for the benefit of the Court
7 and the Jury, please?

8 A It's the gentleman, the black gentleman sitting over here
9 next to his attorney, Ted.

10 Q All right. Thank you.

11 MR. SORRELL: Nothing further.

12 THE COURT: Mr. Liszewski?

13 (The following proceedings were held at sidebar,
14 outside the hearing of the Jury:)

15 MR. LISZEWSKI: Judge, I just want to make sure that
16 the Court is noting my 404 objections for the record. I
17 realize that if I objected every time, it would be somewhat
18 tedious. I just want to make sure you have no problem with
19 that.

20 MR. SORRELL: I don't, although this particular
21 evidence is also direct evidence --

22 MR. LISZEWSKI: Sure.

23 MR. SORRELL: -- as to his possession of a firearm --

24 THE COURT: Yeah.

25 MR. SORRELL: -- in connection with another crime,

1 and that's why we didn't read a 404(b) instruction in at this
2 time.

3 THE COURT: Yeah.

4 MR. LISZEWSKI: I understand.

5 THE COURT: When you come to the 404(b), then I can
6 even pull out the ---

7 MR. SORRELL: We're going to do that all at one time.

8 THE COURT: Yeah.

9 MR. SORRELL: Probably be tomorrow.

10 THE COURT: Okay. Just let me know so we can get the
11 instruction ready.

12 MR. LISZEWSKI: I just want to make sure that the
13 Court notes for the record that, you know, any reference
14 beyond direct evidence on the indictment, anything that would
15 go towards knowledge which the Government's offering, that is
16 preserved.

17 MR. SORRELL: Oh, yes.

18 THE COURT: I don't have any problem with continuing
19 the objection. Okay?

20 MR. LISZEWSKI: Okay. That's fine. I just want to
21 make sure.

22 (The following proceedings were held within the
23 hearing and presence of the Jury:)

24 MR. SORRELL: Your Honor, we're going to call ---

25 THE COURT: Wait a minute. We need some Cross

1 Examination.

2 MR. SORRELL: Oh, I'm sorry. I'm sorry.

3 THE COURT: Go ahead, Mr. Liszewski.

4 CROSS EXAMINATION

5 QUESTIONS BY MR. LISZEWSKI:

6 Q Good morning, Detective.

7 A Good morning.

8 Q Detective Blakely, you did interview Tron Kent, right?

9 A Yes, sir.

10 Q Signed a waiver?

11 A Yes, sir.

12 Q You asked him to tell you the truth?

13 A Yes, sir.

14 Q Okay. You wouldn't want him to lie to you and give a
15 statement, would you?

16 A No, sir.

17 Q Okay. You asked him why he was carrying a gun.

18 A Yes, sir.

19 Q Okay. He said he was not from here.

20 A Correct.

21 Q Not from Sikeston.

22 A Yes, sir.

23 Q Sikeston can be rough in spots.

24 A At times, yes, sir.

25 Q Yeah, okay. Like, say, the Sunset Projects, it can be

1 fairly rough there?

2 A Yes, sir.

3 Q Okay. Some parts of the west side of town can be fairly
4 rough at times.

5 A Yes, sir.

6 Q Okay. And in the west side of town is predominantly the
7 black neighborhoods as well.

8 A Yes, sir.

9 Q Okay. Now looking at your -- looking at these statements
10 you obtained from him, you didn't ask him if he was carrying
11 the gun to protect his dope or anything like that, did you?

12 A No, sir.

13 Q Okay. You asked him why he had it?

14 A Yes, sir.

15 Q He indicated it was for protection.

16 A Yes, sir.

17 Q You inquired no further.

18 A No, sir.

19 MR. LISZEWSKI: No more questions. Thank you.

20 THE COURT: Thank you. Mr. Sorrell, any Redirect?

21 MR. SORRELL: No Redirect.

22 THE COURT: Thank you, sir. You may step down.

23 THE WITNESS: Thank you.

24 THE COURT: Would you call your next witness?

25 MR. SORRELL: Barry Morgan. And I'd also like to

1 read the second paragraph of our stipulation.

2 MR. LISZEWSKI: That's fine.

3 THE COURT: Fine. Why don't you read the
4 stipulation.

5 MR. SORRELL: Yes, Your Honor. That stipulation is
6 that the firearm mentioned in Count I of the indictment, the
7 Jennings .380 caliber pistol, bearing Serial Number 923687, is
8 a firearm as defined by federal statutes. The pistol was
9 manufactured in a state other than Missouri and affected
10 interstate commerce.

11 THE COURT: Sir, do you want to step forward and be
12 sworn?

13 **OFFICER BARRY MORGAN,**

14 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS
15 FOLLOWS:

16 MR. SORRELL: Your Honor, we didn't bring all that
17 evidence up. Mr. Gregory is going to go down and retrieve
18 that for us.

19 THE COURT: Okay.

20 DIRECT EXAMINATION

21 QUESTIONS BY MR. SORRELL:

22 Q Would you state your name, please?

23 A Barry Wayne Morgan, Jr.

24 Q And how are you employed?

25 A Charleston Police Department.

1 Q How long have you been employed in law enforcement?

2 A A little over a year-and-a-half.

3 Q And what is your rank at this time?

4 A PSO; just patrol officer.

5 Q Okay. And is that what duties that you engage in?

6 Basically just enforcing the state and municipal ordinances of
7 Charleston in Missouri?

8 A Yes.

9 Q Okay. Now were you employed as a Charleston police
10 officer on May 8th, 2006?

11 A Yes, sir.

12 Q And on that date were you and the other Charleston
13 officers instructed as to whether there were any felony arrest
14 warrants for Tron Kent?

15 A Yes.

16 Q Who told you that information?

17 A Sergeant Moody at the time.

18 Q He's your staff Sergeant? Your --

19 A Supervisor.

20 Q -- supervisor?

21 A Yes.

22 Q And were you also given any information about what kind
23 of car that Mr. Kent would be driving?

24 A Yes.

25 Q What information was that?

1 A A 2002 Dodge Intrepid, black in color.

2 Q And was -- Were you on -- or where were you at this
3 particular time? On foot patrol or car patrol?

4 A I was in a vehicle, patrol unit.

5 Q And were you with anyone else?

6 A Yes.

7 Q Who was that?

8 A Bradley Sutton.

9 Q Now shortly before midnight, were you on any particular
10 street in Charleston, Missouri?

11 A I was on Marshall Street, West Marshall.

12 Q And who was driving the patrol car?

13 A I was, sir.

14 Q Did you see any car that caught your attention?

15 A Yes, sir.

16 Q And about what time was this?

17 A A little before midnight.

18 Q About 11:30?

19 A Right around 11:30.

20 Q What did you see that caught your attention?

21 A It was a 2002 black Intrepid.

22 Q And could you determine who the driver was at that time?

23 A Not at that time.

24 Q So what did you decide to do upon seeing this car?

25 A Get behind it and initiate an investigative stop.

1 Q And did you do that?

2 A Yes, sir.

3 Q Did you turn on your car's emergency lights?

4 A Yes, sir.

5 Q And what action did the Dodge Intrepid take as soon as
6 you activated your emergency lights?

7 A As soon as I activated my emergency lights, the Intrepid
8 made a right onto Grand Street, bearing south, and pulled
9 over.

10 Q And where did you place your patrol car?

11 A Behind it.

12 Q Did you get out of that patrol car?

13 A Yes, sir.

14 Q What about Officer Sutton?

15 A Yes, he did.

16 Q And what actions did the two of you take after you got
17 out of your patrol car?

18 A We walked up, guns drawn due to the fact of his arrest
19 warrant.

20 Q All right. And did -- did you make contact with the
21 driver of the Dodge?

22 A Yes, sir.

23 Q And who did you determine that driver to be?

24 A Tron Kent.

25 Q What did -- commands did you give Mr. Kent at that time?

1 A I asked him to step out of the vehicle and lay face down
2 on the ground.

3 Q And did Mr. Kent comply?

4 A Yes, sir.

5 Q Were there any other individuals in the Dodge?

6 A Yes.

7 Q And who were they?

8 A Antonio Walker and Rico Kent.

9 Q Did you take any actions with regards to those two
10 individuals right then?

11 A We detained them.

12 Q Okay. Did any officer -- other officer have contact with
13 Mr. Kent?

14 A Yes.

15 Q And who was that?

16 A Sergeant Moody.

17 Q And how long did it take Mr. Moody to appear on the scene
18 after you got the car stopped?

19 A No more than 30 seconds, 40 seconds.

20 Q Did you look at the front seat of the Dodge?

21 A Yes.

22 Q And did you see anything lying on the front seat?

23 A There was a cellphone.

24 Q A cellphone?

25 A Yes.

1 Q Did you have any other action with Mr. Kent that night --
2 that evening at the stop or did you pretty much turn it over
3 to Mr. Moody?

4 A I turned it over to Sergeant Moody.

5 Q All right. And was Mr. Kent taken to a law enforcement
6 center?

7 A Yes; Mississippi County Detection Center.

8 Q And where is that office located?

9 A In Charleston.

10 Q Was the cellphone taken from that Dodge?

11 A Yes.

12 Q And who took that?

13 A Sergeant Moody.

14 MR. SORRELL: May I approach the witness, Your Honor?

15 THE COURT: You may.

16 Q (By Mr. Sorrell) Sir, I've handed you Exhibit 7. Would
17 you tell the Court what that exhibit is?

18 A It's the cellphone retrieved from the black Intrepid.

19 Q On the evening of August 8?

20 A Yes.

21 Q Okay.

22 MR. SORRELL: I'll offer Exhibit 7, please.

23 THE COURT: Exhibit 7 is admitted.

24 Q (By Mr. Sorrell) Did the officers check the registration
25 on the Dodge Intrepid to see who owned it?

1 A Yes, as we conducted the vehicle stop.

2 Q And who did that registration come back to as the owner
3 of the car?

4 A Sally Doyle.

5 Q Is she a resident of Charleston, Missouri?

6 A Yes, sir.

7 Q And what address does she live at?

8 A 501 South Sixth.

9 Q Did you and any other officers go to Miss Doyle's house
10 during that same night?

11 A Yes, sir.

12 Q Would it have been the next day actually, on May the 9th?

13 A Yeah; just shortly after midnight.

14 Q Okay. What officers went to the Sally Doyle residence?

15 A Sergeant Moody and Bradley Sutton.

16 Q And yourself?

17 A And myself.

18 Q All right. Did you make contact with Sally Doyle?

19 A Yes.

20 Q And who did this talking with Miss Doyle?

21 A Sergeant.

22 Q Moody?

23 A Sergeant Moody, yes.

24 Q Okay. And were you present and heard their conversation?

25 A Overhearing it, yes.

1 Q And during the -- that conversation, did Miss Sally Doyle
2 explain anything about a relationship that her daughter had
3 with Mr. Kent?

4 MR. LISZEWSKI: Objection; hearsay.

5 MR. SORRELL: Just explains what the officers are
6 doing. We're not offering it for the truth of the matter but
7 just to show why they went there.

8 THE COURT: Overruled.

9 MR. SORRELL: You may answer.

10 THE COURT: You may answer.

11 A I believe that she said that Tron Kent and Amy Doyle had
12 a relationship.

13 Q (By Mr. Sorrell) All right. And did they occupy a
14 particular room in that house?

15 A Yes, sir.

16 Q And which room was that?

17 A Amy Doyle's room.

18 Q Was there a request or a consent given to search that
19 particular room to the officers?

20 A Yes.

21 Q And who gave that consent?

22 A Sally Doyle and Amy Doyle.

23 Q Okay. And was a search actually made?

24 A Yes.

25 Q How many officers went to the room to conduct this

1 search?

2 A I and Bradley Sutton.

3 Q And did Officer Moody perform any service at this time?

4 A Just making general conversation with Sally and Amy
5 Doyle.

6 Q Did he collect the evidence that you found?

7 A Yes. Yeah, he did collect the evidence.

8 Q Where was his normal station while the room was being
9 searched?

10 A Right in the doorway.

11 Q And if anything would be found, what would you or
12 Mr. Sutton do with the item?

13 A When it was located, we would photograph it and
14 Sergeant Moody would open up the bag and we would drop it in
15 there.

16 Q Okay. And were you and Officer Sutton wearing anything
17 on your hands when you searched that bedroom?

18 A Yes.

19 Q And what were you wearing?

20 A Gloves; rubber gloves or medical gloves.

21 Q Okay. Is that a standard practice on searches that you
22 make?

23 A Yes.

24 Q But there were some photographs that were taken of items
25 in that room?

1 A Yes.

2 Q And some items were seized from the bedroom?

3 A Yes.

4 Q And that is the house on 501 Sixth Street?

5 A Yes.

6 Q Okay. Did Officer Sutton make any comment when he first
7 walked into Amy Doyle's bedroom?

8 A As we walked in, he said -- he stated, "There's a gun."

9 Q All right. And did you happen to determine what
10 Mr. Sutton was talking about?

11 A Yes. I was right behind him.

12 Q And what did you see?

13 A I saw a .22 revolver laying in a nightstand.

14 Q And was that firearm seized?

15 A Yes.

16 MR. SORRELL: Your Honor, again, may I approach the
17 witness?

18 THE COURT: You may.

19 MR. SORRELL: I'm going to set these items up there
20 for him to pull out so I don't have to keep coming back and
21 forth, if I may.

22 THE COURT: Sure.

23 Q (By Mr. Sorrell) Officer, would you look at that group
24 of photographs and pick up the one marked Exhibit 20, please?
25 And would you tell the Court what that exhibit is?

1 A That's a photograph of the gun laying in the nightstand.

2 Q Is it in the same condition it was when you first saw
3 that revolver?

4 A Yes.

5 Q And is that photograph a fair and accurate representation
6 of the appearance of the revolver as you first saw it?

7 A Yes.

8 MR. SORRELL: Your Honor, I'll offer Exhibit 20.

9 THE COURT: 20 is admitted.

10 Q (By Mr. Sorrell) Sir, would you hold that exhibit up so
11 the Jury can see it? And just briefly, would you point out
12 the location of the revolver in that photograph?

13 A It's right here.

14 Q And is the photo -- Is the revolver next to a box of
15 cards? Of baseball cards?

16 A Yes.

17 Q And how high is that nightstand that you're referring to?
18 How tall is it?

19 A It's not very tall. It's just a regular nightstand.

20 Q Basically knee high?

21 A Yeah, about knee high maybe.

22 Q The door is open in Exhibit 20. Is that fair?

23 A Yes.

24 Q Was the door to that nightstand open when you and Officer
25 Sutton first walked into the room?

1 A Yes.

2 Q And so that pistol was immediately visible?

3 A Yes.

4 Q Did you change the location of the pistol in any way,
5 shape or form from the time that you saw it until that picture
6 was taken?

7 A I believe that's the way it was laying when we saw it.

8 Q All right. Did you check that firearm to see if it was
9 loaded?

10 A Yes.

11 Q And what did you find?

12 A Nine rounds of CCI short bullets, .22 caliber.

13 Q Okay. It was loaded with nine rounds?

14 A Nine rounds, yes.

15 Q That's the capacity of the cylinder in that revolver.

16 A Yes.

17 Q Is that fair?

18 A Yes.

19 Q Sir, if you would, put that photograph on the left side
20 of you and then reach in the box and pull out Exhibit 27-A of
21 the exhibits in the box, please.

22 A Oh.

23 Q And would you tell the Court what Exhibit 27-A is?

24 A The revolver found in the nightstand in Amy Doyle's room.

25 MR. SORRELL: Your Honor, I'll offer Exhibit 27-A.

1 THE COURT: 27-A is admitted.

2 Q (By Mr. Sorrell) And did you say you seized the
3 ammunition that was inside of that particular revolver?

4 A Yes.

5 Q Would you look at Exhibit 27-B from that box, too,
6 please? Would you tell the Court what that exhibit is?

7 A Nine rounds of CCI .22 bullets found in the revolver.

8 MR. SORRELL: I'll offer Exhibit 27-B.

9 THE COURT: 27-B is admitted.

10 Q (By Mr. Sorrell) Basically those rounds are packaged up
11 in boxes. Is that correct?

12 A Yes.

13 Q In the exhibit?

14 A Yeah.

15 Q All right. But do each of Exhibits 27-A and 27-B have
16 evidence receipts on them?

17 A Yes, sir.

18 Q All right. And they were filled out by Officer Moody to
19 start off with. Is that fair?

20 A Yeah. Yes, sir.

21 Q May I take the ammunition exhibit back, please?

22 A Yes.

23 Q Did you -- Or what item caught your attention next after
24 you saw this revolver and seized it?

25 A A Fila shoebox.

1 Q And where was this Fila shoebox located?

2 A On top of a TV stand.

3 Q Was it in the same bedroom?

4 A Yes, same bedroom.

5 Q Would you -- I believe that that's Exhibit 21 next to you
6 there.

7 A Yes.

8 Q Would you tell the Court -- First, turn it around so the
9 Jury can't see it. I'm sorry. Would you tell the Court what
10 that exhibit is, please?

11 A It's a photograph of the Fila shoebox.

12 Q And is that the Fila shoebox that you saw that night?

13 A Yes.

14 Q And can we agree that after your -- that you looked in
15 the shoebox, you placed it up on the stand in its condition
16 that it was and then photographed it? Is that fair?

17 A Yes, sir.

18 Q Okay. So by the time this photograph has been taken,
19 you've already --

20 A Yes.

21 Q -- looked inside?

22 A Yes, sir.

23 Q But is Exhibit 21 a fair and accurate representation of
24 the appearance of that Fila shoebox as you first saw it?

25 A Yes.

1 MR. SORRELL: I'll offer Exhibit 21, please.

2 THE COURT: That's admitted.

3 Q (By Mr. Sorrell) Would you turn it around for the Jury
4 to see, please? And point out the Fila shoebox that we're
5 talking about. It's the top box in that photograph. Is that
6 fair?

7 A Yes, sir.

8 Q Okay. And the -- Is that a TV stand that it's sitting
9 on? The black ---

10 A TV stand type; like the entertainment center type.

11 Q And how tall is this item?

12 A About my height.

13 Q Five or six feet tall at the top?

14 A Yes.

15 Q Okay. Did you have any trouble reaching up and getting
16 that item down?

17 A No, sir.

18 Q Now if you would then, put that exhibit down and turn to
19 Exhibit 22. Would you tell the Court what that exhibit is?

20 A A photograph of inside the Fila shoebox.

21 Q And that's what you seen when you first looked into that
22 shoebox?

23 A Yes, sir.

24 Q And what did you see when you first looked into that box?

25 A U.S. currency and a clear plastic Baggie containing an

1 off-white substance.

2 Q And what did that off-white substance appear to be in
3 your experience?

4 A Crack cocaine.

5 Q And did you take a photograph of what that shoebox looked
6 like?

7 A Yes.

8 Q The inside of it?

9 A Yes, sir.

10 Q And what is Exhibit 22 again? Is it a photograph of the
11 inside of the box?

12 A Yes, a photograph of the inside of the Fila shoebox.

13 Q All right. And before any items were seized out of it?

14 A Yes.

15 Q And is it, again, a fair and accurate representation of
16 the appearance of the inside of that Fila shoebox as you first
17 saw it?

18 A Yes, sir.

19 MR. SORRELL: Your Honor, I'll offer Exhibit 22.

20 THE COURT: 22 is admitted.

21 Q (By Mr. Sorrell) Would you turn it around to display it
22 to the Jury, please? And would you point out for the benefit
23 of the Jury the Baggie of suspected crack cocaine?

24 A Right here close to the top.

25 Q It's the top part of that photograph. Is that fair?

1 A Yes.

2 Q Okay. And the currency that's in there in that box, is
3 it of different denominations?

4 A Yes.

5 Q 5s and 10s and a 50?

6 A Yes.

7 Q Just various denominations?

8 A Yes.

9 Q Was that money counted at the scene or was it counted
10 later?

11 A I can't really recall at this time.

12 Q I believe Officer Moody took control of that.

13 A Yes.

14 Q But it was seized, along with the box and the money and
15 the crack cocaine. Is that fair?

16 A Yes.

17 Q Okay. Would you turn now to Exhibit 11 that's laying out
18 on the floor? It's a larger bag, a brown bag. And would you
19 tell the Court what that exhibit is, please?

20 A An evidence bag containing the blue Fila shoebox.

21 Q Would you take that shoebox out of the bag, please?

22 First off, the evidence bag, who -- was that filled out at the
23 Charleston Police Department?

24 A I believe Sergeant Moody filled it out.

25 Q Okay. But it's basically just an evidence bag. Is that

1 fair?

2 A Yes.

3 Q And is that Exhibit 11 that you're holding the same Fila
4 shoebox that was taken from the bedroom of Amy Doyle on the
5 night of or morning of May the 9th?

6 A Yes.

7 MR. SORRELL: I'll offer Exhibit 11, please.

8 THE COURT: 11 is admitted.

9 Q (By Mr. Sorrell) If you would, you can replace that back
10 in the -- If you would, open it for the benefit of the Jury,
11 please, and show them the inside of the box. And it's empty
12 right now. Is that fair?

13 A Yes.

14 Q Okay. If you would place it back in the bag and set it
15 to the side.

16 After finding this Fila shoebox, did you turn your
17 attention or your search to another part of the room?

18 A Yes, sir.

19 Q And what part of the room was that?

20 A The closet.

21 Q And if you would, describe this closet to the Jury.

22 A Just a regular clothes closet filled with clothes and
23 other items.

24 Q It actually extends into the bedroom a short distance.
25 Is that right? I mean it's not built into the wall. It

1 actually comes out --

2 A Yes.

3 Q -- in the room.

4 A Yes.

5 Q Okay. And the closet is closed with a door. Is that
6 fair?

7 A I can't really recall.

8 Q Okay. That's fine. But in any event, you looked inside
9 the closet?

10 A Yes.

11 Q And were there clothes hanging from a clothes rack in the
12 closet?

13 A Yes.

14 Q And was there a -- a shelf on the top of that closet?

15 A Yes.

16 Q And what did you notice that caught your attention first
17 in that closet?

18 A A wooden jewelry box.

19 Q What color was it?

20 A Brown.

21 Q And what did you do when you saw that jewelry box?

22 A Picked it up and looked inside of it.

23 Q And what did you see when you opened that jewelry box up?

24 A Four large bags of off-white substance.

25 Q And what did that substance appear to be?

1 A Crack cocaine.

2 Q Did you replace that jewelry box back in the closet and
3 take a picture of it?

4 A Yes, sir.

5 Q Now if you would, take a look at Exhibit 23. What is
6 that exhibit, please?

7 A A photograph of the closet where I located the jewelry
8 box.

9 Q And is that photograph a fair and accurate representation
10 of the appearance of that jewelry box as you first saw it?

11 A Yes, sir.

12 MR. SORRELL: I offer Exhibit 23, please.

13 THE COURT: 23 is admitted.

14 Q (By Mr. Sorrell) Did the brown jewelry box contain any
15 jewelry?

16 A Yes, sir.

17 Q And what type of jewelry was in it?

18 A I believe some earrings and maybe some rings.

19 Q Some small pieces of costume jewelry?

20 A Yes.

21 Q Is that fair?

22 A Yes.

23 Q Okay. And if you would, turn that photograph around to
24 show it to the Jury, please. Would you point out the brown
25 jewelry box that is seen in that photograph? Is that

1 basically on top of the green shelf?

2 A Yes.

3 Q Okay. Is it next to a fan-like device?

4 A Yes.

5 Q All right. And it's underneath a purple cloth in that
6 closet. Is that fair?

7 A Yes, sir.

8 Q Okay. If you would, turn to Exhibit 14 from the box,
9 please. Would you tell the Jury what Exhibit 14 is?

10 A An evidence bag containing the brown jewelry box found in
11 Amy Doyle's closet.

12 Q And that is the jewelry box we're talking about. Is that
13 right?

14 A Yes.

15 MR. SORRELL: I offer Exhibit 14.

16 THE COURT: Are you talking about "A" and "B"?

17 MR. SORRELL: Just "A" right now, Your Honor.

18 THE COURT: Okay. 14-A is admitted.

19 Q (By Mr. Sorrell) Would you, also, pick up 14-B at the
20 same time?

21 MR. SORRELL: I'm sorry, Your Honor. I told him
22 Exhibit 14, but there is an "A" and a "B."

23 Oh, I got it. May I, Your Honor?

24 THE COURT: You may.

25 Q (By Mr. Sorrell) Sir, would you tell the Court what that

1 exhibit is, please?

2 A An evidence bag.

3 Q And where was that evidence bag filled out at?

4 A Charleston Police Department.

5 Q And what was the purpose of that bag for?

6 A To secure the evidence.

7 Q What type of -- What piece of evidence?

8 A Off-white substance.

9 Q Okay. That -- Can we agree that the crack cocaine that
10 was found in the box was taken out of the box and placed in a
11 separate exhibit?

12 A Yes.

13 Q Placed in a separate bag?

14 A Yes.

15 Q And that's the evidence bag that the crack cocaine was
16 first placed in. Is that fair?

17 A Yes.

18 Q Okay.

19 MR. SORRELL: I offer Exhibit 14-B.

20 THE COURT: 14-B is admitted.

21 Q (By Mr. Sorrell) Would you open up the jewelry box and
22 show it to the Jury, please? And it still contains the
23 costume jewelry in it. Is that fair?

24 A Yes, sir.

25 Q Okay. That's fine.

1 MR. SORRELL: May I approach the witness one more
2 time, Your Honor?

3 THE COURT: You may.

4 Q (By Mr. Sorrell) Sir, I've handed you what's been marked
5 as Exhibit 15-A. Would you -- Would you tell the Court what
6 that exhibit is, please?

7 A Evidence bag.

8 Q Containing?

9 A Yeah, containing the crack cocaine.

10 Q And that was seized from the brown jewelry box. Is that
11 fair?

12 A Yes, sir.

13 Q And is it in the same condition as it was when you first
14 saw it?

15 A No, sir.

16 Q All right. Has part of it been ground up?

17 A Yes, sir.

18 Q But what about the other portion of the part that's not
19 been pulverized? Are the basic rocks still the same?

20 A Yes. Yes, they are.

21 MR. SORRELL: I'll offer Exhibit 15-A, please.

22 THE COURT: 15-A is admitted.

23 Q (By Mr. Sorrell) Would you hold that up for the Jury to
24 see, please?

25 And that's the crack cocaine from all four of the

1 Baggies that were in the jewelry box. Is that right?

2 A Yes, sir.

3 Q Okay. You can set that -- or I'll come -- Let me come
4 and get that, if I may, please.

5 Would you pick up Exhibit 24 from the stack there on
6 the desk, please? And would you tell the Court what that
7 exhibit is?

8 A A photograph.

9 Q And what does it depict?

10 A The brown -- Inside the brown jewelry box.

11 Q And does it depict the items that you saw in it when you
12 first opened up the jewelry box?

13 A Yes, sir.

14 Q Is it a fair and accurate representation of the
15 appearance of the inside of the jewelry box as soon as you
16 opened it?

17 A Yes, sir.

18 MR. SORRELL: Your Honor, I'll offer Exhibit 24.

19 THE COURT: 24 is admitted.

20 Q (By Mr. Sorrell) Would you hold that photograph up for
21 the Jury to see, please?

22 And would you point out the different -- or where the
23 cocaine is inside that jewelry box, please?

24 A Here's a bag here. Also one here, here and right here.

25 Q So there's a total of four bags?

1 A Yes, sir.

2 Q Is that your hand in that photograph?

3 A Yes, sir.

4 Q And is that a hand glove in white plastic?

5 A Yes.

6 Q All right. At the bottom of the picture?

7 A Yes.

8 Q All right. And did someone take control of this jewelry
9 box and its contents?

10 A Yes, sir.

11 Q And who was that?

12 A Sergeant Moody.

13 Q If you would then turn to Exhibit 25, did you also find
14 some other items in the bedroom that you took?

15 A Yes; sandwich Baggies.

16 Q And what is Exhibit 25?

17 A A photograph of the sandwich Baggies.

18 Q Is it a fair and accurate representation of the
19 appearance of those sandwich bags before they were seized?

20 A Yes, sir.

21 Q Where were those sandwich bags found at?

22 A Laying on the dresser.

23 Q In the bedroom?

24 A Yeah, in Amy Doyle's bedroom.

25 MR. SORRELL: I'll offer Exhibit 25, please.

1 THE COURT: Exhibit 25 is admitted.

2 Q (By Mr. Sorrell) Would you display that to the Jury,
3 please? Is there an item beside the sandwich bags?

4 A Yes.

5 Q And what is that?

6 A That's a remote control.

7 Q And what color is the sandwich bag box or box?

8 A Yellow.

9 Q It's basically in the lower center of that photograph?

10 A Yes.

11 Q And there's a toothbrush and a medicine bottle, also, it
12 appears. Is that fair?

13 A Yes.

14 Q Okay. You can set that one down, sir. But that sandwich
15 bag was seized, wasn't it?

16 A Yes.

17 Q By your officers. And would you pick up Exhibit 16 from
18 the box, please? And would you tell the Court what that
19 exhibit is?

20 A Evidence bag containing the sandwich Baggies.

21 Q That were seized from the room?

22 A Yes, that were seized.

23 Q These are the exact sandwich bags?

24 A Yes.

25 Q Is there an evidence tag on that exhibit bag, too?

1 A Yes, sir.

2 Q And who filled that tag out?

3 A Sergeant Moody.

4 MR. SORRELL: Your Honor, I'll offer Exhibit 16.

5 THE COURT: 16 is admitted.

6 Q (By Mr. Sorrell) If you would, turn to Exhibit 26 that's
7 in that box, too, please.

8 A I have 27.

9 Q Okay. Look at that one first and then we'll come back.
10 If you'll look at -- first at Exhibit 26, would you tell the
11 Court what that exhibit is?

12 A A photograph of a glass ashtray.

13 Q And does the ashtray contain anything?

14 A Yes.

15 Q What?

16 A Seven cigarette butts.

17 Q And where did you first see those, that ashtray and
18 cigarette butts at?

19 A On Amy Doyle's dresser.

20 Q And was that ashtray and cigarette butts taken?

21 A Yes.

22 Q Seized by evidence or seized as evidence?

23 A Yes.

24 Q Is that photograph a fair and accurate representation of
25 the appearance of the ashtray and the cigarette butts as you

1 first saw it?

2 A Yes, sir.

3 MR. SORRELL: And, Your Honor, I'll offer Exhibit 26.

4 THE COURT: 26 is admitted.

5 Q (By Mr. Sorrell) Would you display that to the Jury,
6 please? Which corner is it that these -- that this ashtray
7 and cigarette butts is on? Which corner of the dresser?

8 A As you were looking at it, it would be on the right-hand
9 side.

10 Q Okay. Would you point out the ashtray and cigarette
11 butts, please?

12 And was that photograph taken before that item was
13 moved?

14 A Yes.

15 Q Okay. Would you turn to Exhibit 17 in the box, please?
16 Would you tell the Court what that exhibit is?

17 A Evidence bag containing a glass cigarette or ashtray.

18 Q And the cigarette butts?

19 A Yes.

20 Q Okay. And that is the same ashtray that was seized on
21 the night of May the 9th or the morning of May the 9th?

22 A Yes.

23 MR. SORRELL: Your Honor, I'll offer Exhibit 17.

24 THE COURT: 17 is admitted. Why don't we -- We can
25 take a morning recess.

1 MR. SORRELL: We can take a morning recess.

2 THE COURT: Why don't we do that. Ladies and
3 Gentlemen, we'll take a short morning recess. Please do not
4 discuss the case among yourselves or with anyone else. You
5 can proceed to the Jury Room at this point. You may step
6 down, sir.

7 THE WITNESS: Thank you.

8 THE COURT: Court is in temporary recess.

9 (Court recessed from 10:15 A.M. until 10:30 A.M.)

10 (Jury seated by the Clerk.)

11 (The following proceedings were held within the
12 hearing and presence of the Jury:)

13 CLERK: All rise. This Court is again in session.
14 Please be seated.

15 MR. SORRELL: May Officer Morgan take the stand?

16 THE COURT: Yes, sure.

17 MR. SORRELL: Thank you.

18 Q (By Mr. Sorrell) Officer, do you see Exhibit 56 lying in
19 front of you there?

20 A Yes.

21 Q And would you tell the Court what that exhibit is,
22 please?

23 A Photograph of the top of the dresser.

24 Q And what dresser are we talking about in that photograph?

25 A In Amy Doyle's room.

1 Q And was that the condition of the top of that dresser
2 when you first walked in the room on May the 9th, 2006?

3 A Yes, sir.

4 Q Is that photograph an accurate and fair representation of
5 the appearance of that dresser at that time?

6 A Yes, sir.

7 MR. SORRELL: Your Honor, I'll offer Exhibit 56.

8 THE COURT: 56 is admitted.

9 Q (By Mr. Sorrell) Would you display that to the Jury,
10 please?

11 Officer, there are no items in that photograph that
12 have been seized. Is that fair?

13 A Yes, sir.

14 Q It's just the condition of the top of the dresser. Is
15 that fair?

16 A Yes, sir.

17 Q You can set that down.

18 Did you also seize a jacket and a pair of jeans from
19 the bedroom during that search?

20 A Yes, sir.

21 MR. SORRELL: May I approach the witness, Your Honor?

22 THE COURT: You may.

23 Q (By Mr. Sorrell) Sir, I've handed you an exhibit marked
24 Exhibit 18. Would you look in that bag and tell the Court
25 what that exhibit is, please?

1 A This is the jacket seized from Amy Doyle's room.

2 Q And what -- Is the other item inside the same exhibit
3 bag?

4 A Yes, it's in the evidence bag.

5 Q Okay. That's basically the original evidence bag that
6 the items were put in?

7 A Yes.

8 Q And is there another item inside Exhibit 18?

9 A Yes.

10 Q And what is that, please?

11 A The pair of pants seized from Amy Doyle's room.

12 MR. SORRELL: Your Honor, I'll offer Exhibit 18.

13 THE COURT: Exhibit 18 is admitted.

14 Q (By Mr. Sorrell) Would you unfold the pair of pants and
15 hold those up for the Jury, please?

16 A May I stand up?

17 Q Yes.

18 THE COURT: You may.

19 Q (By Mr. Sorrell) And what's the -- Would you turn them
20 around so that the brand name can be displayed, please? I'm
21 not sure what the brand name is on that. Could you read that
22 on the bottom?

23 A It's some French name.

24 Q Basically "Marithe Francois Girbaud"?

25 A Yes.

1 Q Okay. And would you also -- You can lay that down, if
2 you would, please. Would you also unfold the men's jacket and
3 display it to the Jury, please?

4 Does that jacket have a brand name on it or is it
5 unnamed?

6 A Koman.

7 Q "Kogan"? Would you spell that, please?

8 A K-O-M-A-N.

9 Q Oh, Koman. All right. And if you would set those items
10 down, please. I'll take those back from you, along with that
11 exhibit bag.

12 Sir, is there an Exhibit 41 in front of you?

13 A Yes, sir.

14 Q Did you help me prepare a penciled exhibit of the outline
15 of the bedroom, of Amy Doyle's bedroom that you searched?

16 A Yes.

17 Q And I need you to speak up just a little bit, if you
18 would, please.

19 A Yes.

20 Q And did that exhibit list the items of furniture in that
21 bedroom and the approximate location of the things that were
22 seized from the bedroom?

23 A Yes.

24 Q And Exhibit 41 is not drawn to scale but just as an aid
25 to the Jury. Is that right?

1 A Yes.

2 Q All right.

3 MR. SORRELL: Your Honor, I'll offer Exhibit 41.

4 MR. LISZEWSKI: Your Honor, may I see that, please?

5 MR. SORRELL: Oh, I'm sorry.

6 THE COURT: Sure.

7 MR. LISZEWSKI: That's fine.

8 THE COURT: Exhibit 41 is admitted.

9 MR. SORRELL: Your Honor, I'm going to turn that TV
10 on for a short time, if I may, to display this exhibit.

11 THE COURT: Fine.

12 Q (By Mr. Sorrell) Sir, basically this Exhibit 41, as you
13 described, is the room of Amy Doyle. Is that right?

14 A Yes.

15 Q Now at the top of that exhibit, what was the item shown
16 in the very upper left-hand corner of that exhibit?

17 A Upper left-hand corner would be the TV stand.

18 Q And does that diagram also display the location where the
19 Fila shoebox was?

20 A Yes, sir.

21 Q If I can say that.

22 A Yes.

23 Q All right. And does the exhibit also show where you
24 found the jacket and the jeans that you just testified to in
25 Exhibit 18?

1 A Yes, sir.

2 Q And that's basically in the part of the room. Is that
3 fair?

4 A Yes.

5 Q Does the exhibit show where there's a bed in this
6 bedroom?

7 A Yes.

8 Q And where is it located?

9 A Right-hand corner of the room.

10 Q This item where I'm pointing to at this time?

11 A Yes.

12 Q Okay. And do you also see the nightstand where you found
13 the revolver displayed on this exhibit?

14 A Yes, sir.

15 Q And where would it be located?

16 A On the right-hand side.

17 Q Middle-way down?

18 A Middle-way down.

19 Q Okay. And is the square drawn for the revolver in the
20 approximate location where the revolver was found?

21 A Yes.

22 Q And at the bottom of the exhibit, is there a closet?

23 A Yes.

24 Q And does that exhibit also show the approximate location
25 of the jewelry box, where it was found?

1 A Yes.

2 Q On the left-hand side of the exhibit, does it display the
3 dresser that we just talked about?

4 A Yes, sir.

5 Q And does it also display where the sandwich bags and the
6 ashtray and the cigarette butts were found?

7 A Yes.

8 Q And were those the items that were seized during your
9 search of the Doyle bedroom?

10 A Yes, sir.

11 Q Okay. And you didn't make any contact with Mr. Kent
12 afterwards, did you, after that night?

13 A No, sir.

14 Q Do you see the man in the courtroom that you stopped on
15 the streets of Sikeston on May the 8th of 2006?

16 A Yes, sir.

17 Q And would you point him out for the benefit of the Court,
18 please?

19 A (Witness pointing).

20 Q And would you describe what clothes he's wearing?

21 A It looks like a gray dress shirt with a tie.

22 MR. SORRELL: And would the record reflect that the
23 witness has identified the Defendant?

24 THE COURT: It will.

25 MR. SORRELL: No -- Nothing further.

1 THE COURT: Mr. Liszewski?

2 MR. LISZEWSKI: Thank you, Your Honor.

3 CROSS EXAMINATION

4 QUESTIONS BY MR. LISZEWSKI:

5 Q Officer Morgan, I want to turn your attention to Exhibit
6 18. I'm going to ---

7 MR. LISZEWSKI: May I approach the witness?

8 THE COURT: You may.

9 MR. LISZEWSKI: Thank you.

10 Q (By Mr. Liszewski) Here you are, sir.

11 A Yes.

12 Q Hang onto that, please.

13 A Yes.

14 Q Okay. Sir, I'm handing you what's previously been marked
15 as a pair of pants and a jacket. Now on Exhibit 41, if I am
16 looking correctly, it looks like that is approximately where
17 you found those, true?

18 A Yes, approximately.

19 Q Okay. So you didn't find them in a dresser.

20 A No, sir.

21 Q You didn't find them in a closet.

22 A No, sir.

23 Q Okay. Now I would assume that you did look through the
24 dresser in Amy Doyle's bedroom; true?

25 A Yes.

1 Q Okay. And I would assume that you found clothes of hers.

2 A Yes.

3 Q Okay. You didn't find any clothes in a fair resemblance
4 to Tron Kent's?

5 A No, sir.

6 Q Had you found them, you would have seized them.

7 A Yes, sir.

8 Q Okay.

9 MR. LISZEWSKI: May I approach again to take the
10 exhibits back?

11 THE COURT: You may.

12 Q (By Mr. Liszewski) I want to turn your attention now to
13 Government's Exhibit 24.

14 MR. LISZEWSKI: I can put that on the Elmo, if that
15 would be all right.

16 THE COURT: Sure.

17 Q (By Mr. Liszewski) Now, obviously, that jewelry box is
18 where drugs were, true?

19 A Yes.

20 Q And there's costume jewelry.

21 A Yes.

22 Q Female costume jewelry.

23 A Yes, sir.

24 Q And I believe in Exhibit 23 you found that jewelry box
25 above what appears to be a pink silky or a purple silky

1 garment. Excuse me.

2 A Yes, sir.

3 Q Okay. Did -- That looks like a negligee or something
4 satin. You know, I'm not very good with fabrics. I mean I'm
5 not going to lie to you.

6 A I believe it was like a bed sheet or something.

7 Q Okay. It appears to be feminine in characteristics.

8 A Yes.

9 Q Exhibit 21, the blue Fila shoebox where you found a
10 controlled substance, would you read the shoe size on that
11 box?

12 A I can't see it on the screen, sir.

13 Q That's okay. Here you are, sir. Sir, what's the size on
14 that jewelry box or what's the size shoe on that shoebox?

15 A 6.

16 Q That would be consistent with being a female shoebox,
17 true?

18 A Yes, sir.

19 Q You can put that back in the bag, sir. I apologize.

20 The last thing I want to talk to you about is Exhibit
21 20. Exhibit 20 is what appears to be the gun beside some
22 baseball cards.

23 A (Affirmative gesture).

24 Q Did you find anything belonging to Mr. Kent in that box
25 or in that nightstand?

1 A I found a revolver.

2 Q Okay. You understand that Mr. Kent is saying that that's
3 not his revolver.

4 MR. SORRELL: Objection to the testimony by the
5 Defendant, Your Honor.

6 THE COURT: Sustained.

7 Q (By Mr. Liszewski) Did you find anything with Mr. Kent's
8 name on it?

9 A No, sir.

10 Q Okay. Did you find any medicine bottles bearing --
11 bearing ownership to Mr. Kent?

12 A No, sir.

13 Q Did you find any clothes that could be attributed to
14 Mr. Kent --

15 A Repeat the question.

16 Q -- in the nightstand? Did you find any clothes in the
17 nightstand that could be attributed to Mr. Kent?

18 A No, sir.

19 Q Okay. So, sir, in sum, you found drugs in a woman's
20 shoebox, in a woman's jewelry box, and presumably Mr. Kent's
21 clothes were sitting in the middle of the bedroom floor.

22 A Yes.

23 Q Oh, excuse me; one last thing. The clothes, is that --
24 How long have you been a police officer in Charleston?

25 A Over a year-and-a-half.

1 Q Over a year-and-a-half?

2 A Yeah.

3 Q Those are kind of baggy clothes. Would that be fair to
4 say?

5 A Yes, sir.

6 Q Okay. It isn't entirely inconsistent for black folks to
7 wear clothes like that in Charleston, true?

8 MR. SORRELL: Objection to the nature of the
9 characterization, Your Honor.

10 THE COURT: Sustained.

11 Q (By Mr. Liszewski) Did you find anything remarkable
12 about the clothes?

13 A Explain "remarkable."

14 Q Was there anything remarkable? Were they extravagantly
15 expensive? Was there anything unique about them other than
16 being pants and a jacket?

17 A No, sir.

18 MR. LISZEWSKI: Thank you, sir. I have no further
19 questions.

20 THE COURT: Any Redirect?

21 MR. SORRELL: No, Your Honor.

22 THE COURT: Thank you, sir. You may step down.

23 MR. SORRELL: I call Officer Moody.

24 MR. FERRELL: Your Honor, may we approach?

25 THE COURT: Sure.

1 (The following proceedings were held at sidebar,
2 outside the hearing of the Jury:)

3 MR. FERRELL: Ready?

4 THE COURT: Yeah. Go ahead.

5 MR. FERRELL: Judge, based upon the couple of
6 comments that were made in opening statement, the Government's
7 concerned Mr. Liszewski may try to introduce some evidence
8 concerning a previous boyfriend of the victim in this case, to
9 Amy Doyle. From the statements that were made, there was a
10 question -- One of the questions that we anticipated was that
11 Mr. Liszewski would ask Officer Moody the reputation of this
12 other person for being connected with drugs. And I talked
13 with Mr. Liszewski between the break and I understand he does
14 intend to ask some type of question of that nature. So with
15 regard to that particular question, the Government would
16 object on the basis that, first of all, reputation evidence is
17 inadmissible. Rule 404(a) specifically provides that
18 generally reputation evidence is inadmissible. There's
19 certain limits to specific situations; none of which apply
20 here as to what this gentleman's reputation was. So that's
21 our first objection is any question to this witness as to what
22 he believes the reputation of the third-party is for being
23 involved in drugs.

24 THE COURT: Mr. Liszewski, what are you going to ask?

25 MR. LISZEWSKI: Basically I was going to -- The

1 question I intend upon asking is essentially: Officer Moody,
2 do you know a gentleman by the name of Chris Scott or is the
3 name familiar? I anticipate that Chris Scott -- he will
4 answer in the affirmative to that question. My next question
5 will be: Does he have a reputation as being a drug dealer in
6 the community? Is that -- Is that something that you found
7 based on being a member of that community? Now here's --
8 here's -- Let me finish.

9 MR. FERRELL: I thought you were finished.

10 MR. LISZEWSKI: Actually I'm not finished. Oh, I'm
11 sorry.

12 MR. FERRELL: Sorry.

13 MR. LISZEWSKI: 404(a), Judge, it actually says
14 nothing about a third-party unless it's a person that you're
15 going to ---

16 THE COURT: Well, I guess my initial question is:
17 What's the relevance in even getting into the third-party?

18 MR. FERRELL: That's the issue.

19 MR. LISZEWSKI: The relevance of that is, Judge, by
20 the Government's own admission, by their own expert later on,
21 they're going to have a person who's going to get up there and
22 say that a nonsemen sample found on the bed could have been a
23 mixture of at least two or more individuals. Okay? The
24 plastic bags contained a mixture of at least two or more
25 individuals.

1 THE COURT: Okay. But what you're doing is
2 anticipating evidence that the Government is going to put on.
3 So there's no relevance at this point in the case to even
4 bring up that. The only time that may come into play is if --
5 is after that witness' testimony. And even then, I don't
6 know. We'll have to look at the circumstances. But at this
7 point, what you're asking has no relevance whatsoever to this
8 case so far in this evidence. You're just anticipating.

9 MR. FERRELL: We don't intend to introduce that
10 evidence, do we, Keith?

11 MR. SORRELL: No.

12 MR. FERRELL: We have no intention of introducing
13 that.

14 THE COURT: So I don't think at this point ---

15 MR. LISZEWSKI: Judge, here's my dilemma with this.

16 THE COURT: You can call Mr. Moody as a rebuttal
17 witness.

18 MR. LISZEWSKI: I mean that's probably what I'm going
19 to end up doing.

20 THE COURT: Well, if it's appropriate. And I'm not
21 ruling at this point whether that would be appropriate or not.
22 But at this point I don't even see the relevance of bringing
23 in a third-party. We've got nothing in this record that
24 suggests that.

25 MR. LISZEWSKI: Well, after the expert testifies,

1 she's going to have to testify that it contains a mixture of
2 at least two or more individuals.

3 THE COURT: Maybe so, but she hasn't ---

4 MR. FERRELL: We're not offering that at all.

5 THE COURT: She's not testified, and I don't know
6 what her testimony is, and I'm not going to start saying,
7 Well, I anticipate she's going to do XYZ. You may be right
8 but until she does it, I have no basis to say your question's
9 appropriate.

10 MR. SORRELL: Even if she says that DNA also belongs
11 to Chris Scott, you couldn't ask that question because it's
12 still character evidence. It relates to another witness.

13 THE COURT: Well, I'm simply saying I think at this
14 point there's no relevance. Later on, I'm not ruling and
15 saying there's going to be relevance later on or it's
16 appropriate later on. I'm just saying at this point I don't
17 even see any relevance to it.

18 MR. LISZEWSKI: That's fine. I can wait till they
19 bring it up.

20 THE COURT: Okay. And we'll take it up at a later
21 time.

22 MR. LISZEWSKI: Thank you.

23 MR. FERRELL: Thank you, Your Honor.

24 (The following proceedings were held within the
25 hearing and presence of the Jury:)

1 THE COURT: Do you want to step forward, sir, and be
2 sworn?

3 OFFICER ANTHONY MOODY,
4 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS
5 FOLLOWS:

6 THE COURT: You may inquire.

7 MR. SORRELL: Thank you.

8 DIRECT EXAMINATION

9 QUESTIONS BY MR. SORRELL:

10 Q Would you state your name, please?

11 A Anthony Moody.

12 Q Where do you work, Mr. Moody?

13 A Charleston Department of Public Safety.

14 Q How long have you been in law enforcement?

15 A Approximately 15 years.

16 Q And what's your rank at this time?

17 A Captain.

18 Q Do you supervise other police officers on the Charleston
19 police force?

20 A Yes, I do.

21 Q How many officers do you supervise?

22 A We have ten.

23 Q Were you involved in an investigation concerning
24 Tron Kent on May the 8th and 9th of 2006?

25 A Yes, I was.

1 Q Now were you informed of anything as to whether there was
2 a felony arrest warrant out for Mr. Kent on May the 8th, 2006?

3 A Yes, I was.

4 Q And who were you given that information by?

5 A Our Dispatch.

6 Q All right. The dispatcher for the Charleston Police
7 Department?

8 A Yes.

9 Q Did you pass that information along to the other police
10 officers in that -- that you supervised?

11 A Yes, I did.

12 Q What did you ask those officers to do?

13 A To try to locate Mr. Kent, take him into custody.

14 Q All right. And during that evening, did you start to
15 receive some information about what type of vehicle Mr. Kent
16 might be driving?

17 A Yes, we did.

18 Q And what type of information was that?

19 A The information was that he would be driving a 2002 Dodge
20 Intrepid.

21 Q And was there any color for that car?

22 A I believe it was black.

23 Q All right. Did you pass that information out to your
24 officers?

25 A Yes, I did.

1 Q During that evening, did you receive any information as
2 to whether Mr. Kent had been detained or stopped?

3 A Yes. I believe around somewhere around 11:30
4 Officer Morgan and Officer Sutton stopped the vehicle and
5 Mr. Kent.

6 Q And how did you find out about this traffic stop?

7 A I overheard it on the radio.

8 Q And what did you do as soon as you heard this
9 information?

10 A I proceeded to the traffic stop location.

11 Q How long did it take you to get to the traffic stop
12 location from where you were at in Charleston?

13 A Maybe 30, 45 seconds.

14 Q What did you see when you first arrived on the scene at
15 the traffic stop?

16 A I observed a black male laying in the roadway at gun
17 point.

18 Q Did you walk up to that person?

19 A Yes, I did.

20 Q And did you identify who that person was?

21 A I knew him to be Mr. Tron Kent.

22 Q And you knew him as soon as you saw the man laying on the
23 ground?

24 A That's correct.

25 Q Okay. Was the man laying on his stomach or on his back?

1 A Stomach.

2 Q What did you do upon walking up to Mr. Kent?

3 A I walked up and placed the handcuffs on Mr. Kent.

4 Q And did you pat him down?

5 A Yes. I rolled him over, I believe, on his right side,
6 checked his waistband and rolled him back.

7 Q Okay. Was there anything on Mr. Kent's waistband?

8 A An empty cellphone pouch.

9 Q All right. A holder?

10 A A holder.

11 MR. SORRELL: May I approach the witness, Your Honor?

12 THE COURT: You may.

13 Q (By Mr. Sorrell) Sir, would you pick up Exhibit 8 that's
14 in front of you? Would you tell the Court what that exhibit
15 is, please?

16 A It's a cellphone holder.

17 Q And have you ever seen that cellphone holder before?

18 A Yes, I have.

19 Q Where have you seen it at?

20 A On Mr. Kent's belt.

21 Q And is that the cellphone holder that you seized that
22 evening?

23 A Yes, it is.

24 Q What did you do with that particular exhibit after you
25 seized it?

1 A It was placed -- I believe it was placed in his property
2 at the County Jail.

3 Q At the Mississippi County Sheriff's Office?

4 A Yes, sir.

5 MR. SORRELL: Your Honor, I'll offer Exhibit 8.

6 THE COURT: Exhibit 8 is admitted.

7 Q (By Mr. Sorrell) And did you also look in the seat of
8 the Dodge Intrepid that was stopped?

9 A Yes. After I placed him under arrest and stepped back a
10 little ways, I observed a cellphone laying in the driver's
11 seat.

12 Q Did you seize that particular cellphone?

13 A Yes, I did.

14 Q Would you look at Exhibit 8, please? And would you tell
15 the Court what that exhibit is?

16 A It's a Virgin cellphone.

17 Q And that's the cellphone that was seized?

18 A Yes.

19 Q All right. Does it fit within the cellphone holder
20 that's shown as Exhibit 7?

21 A I believe it does.

22 Q Or do 7 and 8 fit together?

23 A I believe it does.

24 Q Okay. Would you also look at Exhibit 9? And would you
25 tell the Court what that exhibit is, please?

1 A It's a set of keys that was taken from Mr. Kent.

2 Q And were those taken from the car, the Dodge Intrepid,
3 that night?

4 A Yes, they were.

5 MR. SORRELL: Your Honor, I'll offer Exhibit 9.

6 THE COURT: Exhibit 9 is admitted.

7 Q (By Mr. Sorrell) Were those also logged in as Mr. Kent's
8 property at the Mississippi County Jail?

9 A Yes, they were.

10 Q Later on that same evening did you take any steps to find
11 out who the Dodge Intrepid was registered to?

12 A Yes, we did.

13 Q And how did you do that?

14 A Went to the owner's residence located at 501 South Sixth
15 Street.

16 Q Were you able to look up or did your police dispatcher
17 look up the registered owner of the car?

18 A Yeah. We ran a vehicle check or a registration --

19 Q Okay.

20 A -- on the vehicle.

21 Q And who did that registration come back to?

22 A Sally Doyle.

23 Q Who lives at what address?

24 A 501 South Sixth.

25 Q In Charleston, Missouri?

1 A Yes.

2 Q And did you go to that address?

3 A Yes, we did.

4 Q And did you make contact with Miss Sally Doyle?

5 A Yes, I did.

6 Q Was that the next morning about May the 9th?

7 A Yes, it was.

8 Q Okay. And did you ask Miss Doyle if she had any
9 knowledge of what connection Mr. Kent would have with that
10 Dodge Intrepid?

11 A I asked did she know where her vehicle was and she stated
12 that she believed Mr. Kent had it.

13 Q Okay. Did Miss Doyle say anything about a relationship
14 that her daughter had with Mr. Kent?

15 A She then advised me that her daughter and Mr. Kent was
16 involved in a relationship.

17 Q Did she indicate which room they stayed in?

18 A Just in a bedroom off the living room.

19 Q Was there any conversation about looking in that room?

20 A Yes, there was.

21 Q And what was that conversation?

22 A I believe during our conversation on the front porch,
23 Miss Doyle advised me I could search the residence. Then at
24 that time I asked her if officers could search, and she let us
25 into the residence.

1 Q And did you also make contact with Amy Doyle?

2 A As we was coming inside the residence, Amy Doyle was
3 coming out of the bedroom.

4 Q And did Miss Amy Doyle say anything about whether you
5 could look in that room?

6 A Yeah. She gave us consent, also.

7 Q So was the room searched?

8 A Yes, it was.

9 Q Who performed the actual search of the bedroom?

10 A Officer Morgan and Officer Sutton.

11 Q Did you perform any function during that search?

12 A I tagged all the evidence.

13 Q And where were you standing most of the time while the
14 search was being conducted?

15 A Right outside -- Right outside the door.

16 Q And did you use any receptacles to place evidence in?

17 A Our normal evidence bags.

18 Q Okay. If you would pick up Exhibit 11, I believe it's
19 down in the box beside you in the larger brown bag, in the
20 brown paper bag. There you go.

21 Sir, I'll represent to you that's a Fila shoebox.
22 Was that an item seized from the Amy Doyle bedroom?

23 A Yes.

24 Q And who would have been the officer that would have
25 logged that particular piece of evidence into evidence?

1 A I believe it was probably photographed by Mr. Morgan or
2 Officer Morgan and then handed over to me, and I tagged it
3 in --

4 Q Okay.

5 A -- and logged it into evidence.

6 Q All right. Is Exhibit 12 up there in front of you? Or
7 do we have it?

8 MR. SORRELL: May I again approach, Your Honor?

9 THE COURT: You may.

10 Q (By Mr. Sorrell) Sir, would you tell the Court what
11 Exhibit 12 is?

12 A That's an evidence bag which I placed evidence in this
13 bag and signed my name to it.

14 Q Okay. And what is in the evidence bag that's in that
15 exhibit?

16 A It's a clear plastic Baggie with crack cocaine.

17 Q All right. And where was that crack cocaine taken from?

18 A It was located inside the Fila box.

19 MR. SORRELL: Your Honor, I would like to offer
20 Exhibit 11.

21 THE COURT: 12?

22 MR. SORRELL: Actually Exhibit 12. I'm sorry.

23 THE COURT: Exhibit 12 is admitted.

24 Q (By Mr. Sorrell) And who did you turn the Exhibit 12
25 over to after you were through with it?

1 A I placed it in the DPS evidence locker and later it was
2 released to Larry Gregory.

3 Q With the Drug Enforcement Agency?

4 A That's correct.

5 Q Okay. Would you also look and see if Exhibit 13 is in
6 front of you? Would you tell the Court what that exhibit is,
7 please?

8 A It's \$540 of U.S. currency that was removed from the Fila
9 box, also.

10 Q And who took custody of that particular piece of
11 evidence?

12 A It was inside the Fila box at the time that I took
13 custody of it.

14 Q All right.

15 MR. SORRELL: Your Honor, I'll offer Exhibit 13.

16 THE COURT: 13 is admitted.

17 Q (By Mr. Sorrell) Also, did you take custody of a brown
18 jewelry box?

19 A Yes, I did.

20 Q And if you would look in the box and see if you can find
21 Exhibit 14-A. That's it. Is that the jewelry box that you
22 took custody of?

23 A Yes, it was.

24 Q And did you note whether there were any items inside of
25 that jewelry box when you opened it up?

1 A Yes, I did.

2 Q And what was that?

3 A It was assorted jewelry and four bags of a rock-like
4 substances which I knew to be crack cocaine.

5 Q All right. Was the crack cocaine that was in the jewelry
6 box, was it wrapped in anything?

7 A I believe it was wrapped in plastic.

8 Q Cellophane bags of some kind?

9 A Plastic Baggies.

10 Q And what did you do with all those exhibits, the jewelry
11 box, the crack cocaine and the Baggies it was wrapped in?

12 A I just left them inside the jewelry box.

13 Q And did you turn that jewelry box over to someone?

14 A I turned it -- later turned it over to Larry Gregory,
15 DEA.

16 Q All right. And so if those items were separated, they
17 were done by someone else. Is that fair?

18 A That's correct.

19 Q Okay. But it's fair to say that you took custody of all
20 the crack cocaine, the jewelry box, and the other items that
21 were seized from the Amy Doyle bedroom?

22 A That's correct.

23 Q Did you also take custody of a box of sandwich bags that
24 was seized from the bedroom?

25 A Yes, I did.

1 Q If you would, look at Exhibit 16. Is that the sandwich
2 bags that you took custody of?

3 A Yes, they are.

4 Q Would you look at Exhibit 17 that's in that same box?
5 And what is that item?

6 A It's an ashtray with seven cigarette butts.

7 Q And they were also taken by you and marked into evidence.
8 Is that fair?

9 A That's correct.

10 Q And there was an evidence card marked on all of those
11 items?

12 A That's correct.

13 Q Okay. Did you also take the men's jeans and a jacket
14 that's been marked -- and I'm holding up now as Exhibit 18 --
15 from -- take custody of those from the Doyle bedroom?

16 A Yes, we did.

17 Q And you were taking custody of those that night and made
18 an evidence tag out on those two?

19 A Yes.

20 Q Okay. And you wouldn't have had any other contact with
21 Mr. Tron Kent that evening, would you?

22 A No.

23 Q All right.

24 MR. SORRELL: That's all I have, Your Honor. Thank
25 you.

1 THE COURT: Mr. Liszewski?

2 MR. LISZEWSKI: Thank you.

3 THE COURT: You may cross-examine.

4 CROSS EXAMINATION

5 QUESTIONS BY MR. LISZEWSKI:

6 Q Captain Moody, you are involved in a lot of drug cases in
7 Charleston and Mississippi County, true?

8 A That's correct.

9 Q Now chances are if someone is being investigated for
10 drugs, you'd know that?

11 MR. SORRELL: Judge, let me object to the nature of
12 the evidence involving any other cases. It's not relevant to
13 this particular case.

14 THE COURT: Sustained.

15 Q (By Mr. Liszewski) Let me rephrase it. There was no
16 pending investigation on Tron Kent, was there?

17 A Drug investigation?

18 Q Exactly.

19 A Not to my knowledge.

20 Q Okay. Had there been a pending investigation of
21 Tron Kent, you would have been aware of it.

22 A By our agency?

23 Q Yes, sir.

24 A More than likely.

25 Q Are you sure it's "more than likely"? Because in prior

1 testimony you said that you would have been aware of it.

2 A I probably would have been aware of it.

3 Q Now after the drugs were found in Amy Doyle's bedroom,
4 Amy Doyle was taken to the Police Station, true?

5 A That's correct.

6 Q Were you the one that transported her to the Police
7 Station?

8 A I don't know exactly who transported her.

9 Q Okay. It wasn't Sally Doyle, I'd assume.

10 A I can't recall.

11 Q Okay. Did you have -- Were you involved in any
12 questioning of Amy Doyle subsequently to her transport to the
13 Police Station?

14 A I believe I interviewed her along with the juvenile
15 officer there at the Police Station.

16 Q Okay. So you interviewed her first. Would you describe
17 the context in which that interview took place?

18 MR. SORRELL: Let me object to that as being outside
19 the scope of the Direct and also calls for hearsay.

20 THE COURT: Sustained.

21 MR. LISZEWSKI: It's offered to explain subsequent
22 police conduct.

23 THE COURT: Sustained.

24 MR. LISZEWSKI: May I make an Offer of Proof?

25 THE COURT: Step up here.

1 (The following proceedings were held at sidebar,
2 outside the hearing of the Jury:)

3 MR. LISZEWSKI: Essentially, Judge -- And I probably
4 feel more comfortable doing a question and answer Offer of
5 Proof. I'll briefly explain why.

6 THE COURT: Well, if you want to do it, we can do it
7 another time outside the presence of the Jury.

8 MR. LISZEWSKI: That's fine.

9 THE COURT: I'm not going to stop now. We'll do it
10 at noontime.

11 MR. LISZEWSKI: Essentially, Judge, what he is going
12 to say is he did an interview and later Amy Doyle was
13 arrested. She was changed out into jail clothes and she was
14 kept in the jail overnight until Trooper Heath and
15 Larry Gregory went to speak to her. I believe that I'm
16 allowed to get that out.

17 MR. SORRELL: Basically it's character evidence, and
18 it's a red herring defense. He wants to point out that
19 someone else might be guilty of this crime without a
20 sufficient foundation being ---

21 MR. LISZEWSKI: It's not a red herring.

22 MR. SORRELL: Well, let me finish first. It's a red
23 herring defense in that he has to lay a sufficient foundation
24 that there's actually a possibility of someone else being
25 guilty of that crime first. That's not where we're at today.

1 If he wants to call Mr. Moody as his witness later on, I guess
2 he would be permitted to do so, but it's certainly outside the
3 scope of any Direct that the Government has laid here today.

4 THE COURT: Yeah. This has not been something in
5 Direct and, again, I think you're anticipating too quickly.
6 If you've got something, you're going to have to lay a
7 foundation. But if you want to put this and do a complete
8 Offer of Proof, I'm not going to preclude you, but let's do it
9 at noontime. Okay?

10 MR. LISZEWSKI: Judge, there has been sufficient
11 foundation and here's ---

12 THE COURT: I've made my ruling on this, and you can
13 make your Offer of Proof and maybe you'll persuade me
14 otherwise, but I want to move ahead.

15 MR. LISZEWSKI: That's fine.

16 THE COURT: Okay?

17 MR. LISZEWSKI: That's fine.

18 (The following proceedings were held within the
19 hearing and presence of the Jury:)

20 THE COURT: Go ahead Mr, Liszewski.

21 MR. LISZEWSKI: Thank you, Ma'am.

22 Q (By Mr. Liszewski) Were you present whenever Detective
23 or -- excuse me -- Trooper Heath and DEA Agent Gregory
24 interviewed Miss Doyle?

25 A Yes, I was.

1 Q You were. Were you there whenever that conversation was
2 videotaped?

3 A I don't believe I was there during the videotaping.

4 MR. LISZEWSKI: Thank you, Ma'am. No more questions.
5 I would like the right to recall Mr. Moody as a witness later.

6 THE COURT: That's fine. Mr. Sorrell?

7 MR. SORRELL: No Redirect, Your Honor.

8 THE COURT: Thank you, sir. You may step down.

9 MR. SORRELL: Your Honor, I have some stipulations
10 that I'd like to finish reading, if I may.

11 THE COURT: Why don't you go ahead.

12 MR. SORRELL: May I show them first to Mr. Liszewski?

13 THE COURT: Sure.

14 (Pause)

15 MR. SORRELL: May I, Your Honor?

16 THE COURT: Go ahead.

17 MR. SORRELL: Thank you. The parties' stipulations
18 would read as follows: The firearm mentioned in Count V of
19 the indictment, the High Standard .22 caliber revolver,
20 bearing Serial Number 1089924, is a firearm as defined by
21 federal statutes. The revolver was manufactured in a state
22 other than Missouri and affected interstate commerce.

23 It is agreed to and stipulated by the parties -- that
24 is, both the Government and the defense -- that:

25 (1) the substance contained in Exhibit 12 is a form

1 of cocaine base known as crack cocaine. The crack exhibit --
2 crack cocaine exhibit in Exhibit 11 weighs 6.5 grams in total;

3 (2) the substance contained in Exhibit 15-A is a form
4 of cocaine base known as crack cocaine. The crack cocaine in
5 Exhibit 15-A weighs 65.9 grams in total;

6 (3) the laboratory report of Alexandria Ambriz, dated
7 May 30, 2006, and marked as Exhibit 42 is the laboratory
8 report of the analysis of the cocaine base in Exhibits 12 and
9 15 and may be offered as evidence without any further
10 foundation.

11 The Defendant and the Government do hereby stipulate
12 and agree that the Virgin brand cellular telephone, cellular
13 phone, Serial Number 04EB64D4, identified as Government's
14 Exhibit 7 was manufactured in the country of Korea and,
15 therefore, had been shipped or transported in interstate or
16 foreign commercial and, therefore, the visual depiction
17 contained on the telephone, a copy of which has been
18 identified as Exhibit 31, was produced by materials that had
19 been shipped or transported in interstate and foreign
20 commerce.

21 Your Honor, there's also a jury instruction with
22 stipulated facts.

23 THE COURT: I'll be reading that at the end of the
24 case.

25 MR. SORRELL: Okay. Thank you.

1 THE COURT: Sir, do you want to step up here and be
2 sworn?

3 DONALD HUSK,

4 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS
5 FOLLOWS:

6 MR. FERRELL: May it please the Court, Your Honor.

7 THE COURT: Go ahead.

8 DIRECT EXAMINATION

9 QUESTIONS BY MR. FERRELL:

10 Q State your name for the Jury, please, sir.

11 A Donald A. Husk.

12 Q Okay. And, Mr. Husk, you're here today as a result of a
13 subpoena that was issued in this case for your attendance. Is
14 that correct, sir?

15 A Yes, sir.

16 Q Now, Mr. Husk, you were previously a law enforcement
17 officer. Is that correct?

18 A Yes, sir.

19 Q And were you a law enforcement officer for the
20 Mississippi County Sheriff's Department back on the evening of
21 May the 8th of 2006?

22 A Yes, sir.

23 Q Would you tell the Jury, please, what your duties were as
24 a law enforcement officer for that department back at that
25 time?

1 A I was a corrections officer. I was a med. tech, and I
2 was also a police dispatcher.

3 Q And as part of your duties, were you involved with the
4 booking in or receiving of prisoners that would be turned over
5 by other law enforcement agencies for detention in your
6 facility?

7 A Yes, sir.

8 Q What would basically be the process as followed when an
9 individual is brought to you from another agency to be placed
10 into the County Jail?

11 A I get the individual's name, date of birth, Social
12 Security Number, and I have the charges. Then I have them
13 empty all of their pockets and record and log down all items
14 within their possession.

15 Q All right. If an officer brings them in and has removed
16 items from that person, what do you do with those items?

17 A I ask the individual if them items belong to them, if it
18 is their property before I put it on their property sheets.

19 Q Okay. Now on the evening of May the 8th of 2006, were
20 you the officer at the Mississippi County Sheriff's Department
21 that booked in the Defendant in this case, Tron Kent?

22 A Yes, sir.

23 Q Now did you fill out a sheet with regard to the property
24 that accompanied Mr. Kent?

25 A Yes, sir.

1 MR. FERRELL: May I approach the witness, please,
2 Your Honor?

3 THE COURT: You may.

4 Q (By Mr. Ferrell) Now I've handed to you -- It's a
5 plastic envelope containing a piece of paper marked Exhibit
6 19. Is that correct?

7 A Yes, sir.

8 Q And would you, please, remove that exhibit from its
9 container? And can you identify for the Jury, please, what
10 that exhibit is?

11 A This is the Property Report from the Mississippi County
12 Sheriff's Department.

13 Q And is that the report that you filled out when you
14 booked in the Defendant, Tron Kent, into the Mississippi
15 County Jail on the evening of May the 8th, 2006?

16 A Yes, sir.

17 Q And does that report accurately reflect the property that
18 was booked in the jail with regard to him?

19 A Yes, sir.

20 Q Now there is an item which is listed at the top of your
21 report which says one cellphone, Virgin Mobile CDM 8915. Is
22 that correct?

23 A Yes, sir.

24 Q And did you record that entry?

25 A Yes, sir.

1 Q Now right -- just on that counter right in front of you,
2 sir, to the right is a cellular phone in a plastic bag. Do
3 you see that, sir?

4 A Yes, sir.

5 Q And is that marked Government's Exhibit 7?

6 A Yes, sir.

7 Q Can you tell the Jury, please, if you've seen that
8 cellular phone before, sir?

9 A Yes, sir.

10 Q Where have you seen it?

11 A This was the cellphone that was brought in with -- by
12 Charleston PDS with the Defendant.

13 Q All right. Is that Officer Morgan that turned it over to
14 you?

15 A Yes, sir.

16 Q Okay. And so then you put it into the Defendant's
17 property, is that correct, to be maintained there at the
18 facility?

19 A Yes, sir.

20 Q Okay. Did you record the serial numbers off of that
21 particular phone you booked in that evening?

22 A Yes, sir.

23 Q Have you compared the serial number that you recorded
24 that evening to the serial number on Exhibit 7?

25 A Yes, sir.

1 Q Okay. Is that -- Are those one in the same phones?

2 A Yes, sir.

3 Q All right. Now after you got Exhibit 7 from
4 Officer Morgan and you put -- you listed it on this sheet, did
5 you do anything, take any steps to ensure that the prisoner
6 that you're booking in certifies this is all of his property?

7 A Yes, sir.

8 Q What do you do, sir?

9 A I ask the individual to confirm the list of items that I
10 have recorded, and I read them off to the individual, one at a
11 time, and confirm "yes" or "no" that these items are his
12 property.

13 Q And did you do that in this case?

14 A Yes, sir.

15 Q And with regard -- After you read each of those items off
16 which is contained on the exhibit that you've just identified
17 in front of the Jury, what did you do after you read them all
18 off in the presence of the Defendant?

19 A I asked is this all of his property.

20 Q And what did Tron say when you asked him if "this is all
21 of your property"?

22 A Yes.

23 Q He said "yes."

24 A (Affirmative gesture).

25 Q Okay. And so then did you do anything after he verbally

1 said "yes"?

2 A I have him sign the Property Report stating that this
3 is -- these items that's on this Property Report are a correct
4 list of all their property.

5 Q And did he sign Government's Exhibit 19 in your presence,
6 verifying that was his property?

7 A Yes.

8 Q There is a signature on the left-hand side from the
9 bottom, the second one up from the bottom. Can you read that
10 signature?

11 A Tron Kent.

12 Q Excuse me, sir?

13 A Tron Kent.

14 Q And did Tron Kent put his signature on there?

15 A Yes.

16 Q Is that the same Tron Kent that's seated right here at
17 the counsel table?

18 A Yes.

19 Q Okay. Now after he signed -- or excuse me. In the
20 course of filling this out, I see also that you have your
21 signature over there. Is that correct, sir?

22 A Yes.

23 Q Right across from his signature.

24 A Yes.

25 Q I'd like for you to, please, tell the Jury what the

1 language of this document is right before his signature and
2 your signature.

3 A English.

4 Q Okay. And what does it say?

5 A "I certify the above is a correct list of items removed
6 from my possession at the time I was placed in detention."

7 Q And then the signature appears, correct?

8 A Yes.

9 Q Now you then later turned this particular item, that's
10 the cellphone itself, Government's Exhibit 7, over to Agent
11 Gregory. Is that correct?

12 A Yes.

13 Q And you had him sign this sheet on 5-9 of '06. Is that
14 correct?

15 A Yes.

16 Q That he had got it from you?

17 A Yes.

18 Q Okay.

19 MR. FERRELL: Your Honor, at this time I would offer
20 into evidence Government's Exhibit 19.

21 THE COURT: That's admitted.

22 MR. LISZEWSKI: May I see it first?

23 THE COURT: Oh, I'm sorry. Go ahead. 19 is
24 admitted.

25 Q (By Mr. Ferrell) One more question; maybe two. Do you

1 remember that when the Defendant, Tron Kent, was booked into
2 the jail, did you give him the right to make a phone call?

3 A Yes.

4 Q Will you tell this Jury, please, what he did when you
5 told him he could make a phone call?

6 A I allow all offenders when they come into the facility --
7 if they're cooperative, they're allowed to make one phone
8 call. And when he came in, he said he could not remember the
9 number. So I allowed him to use -- to get a number from his
10 cellphone so he could make a phone call from the department
11 phone because they're not allowed to use their personal
12 property once they're in our custody.

13 Q Are you telling this Jury in order to make his phone call
14 from the jail, he opened up Exhibit 7 and got a phone number
15 off of it?

16 A Yes.

17 MR. FERRELL: I have no further questions. Thank
18 you, Your Honor.

19 THE COURT: Mr. Liszewski?

20 MR. LISZEWSKI: Your Honor, may we have a sidebar?

21 THE COURT: Yeah.

22 (The following proceedings were held at sidebar,
23 outside the hearing of the Jury:)

24 MR. LISZEWSKI: Judge, I didn't want to object to
25 Mr. Ferrell. Judge, I have no police reports or anything

1 showing that he allowed him to do that. Okay? I have no
2 reports or anything as to the last part of what the witness
3 just said.

4 MR. FERRELL: There's no report written about letting
5 him use his phone.

6 THE COURT: Okay. It's not in a report, so there's
7 no way you could ---

8 MR. LISZEWSKI: I mean there's no resuscitation if
9 there's no communication of it from the U.S. Attorney's Office
10 to my office. Judge, I just, you know, in fairness, in
11 giving -- in all fairness, I mean I -- this has just been
12 sprung on me. I guess my motion at this point is going to be
13 to exclude that.

14 MR. FERRELL: Judge, we've complied with every
15 conceivable rule of discovery. We provided any statements of
16 the witness. This was something that was not written into a
17 report. There's no obligation for us to interview witnesses
18 and then tell the defense what the people are going to say.

19 THE COURT: Yeah. I don't think there's a basis
20 here.

21 MR. LISZEWSKI: That's fine. I just need to make my
22 objection.

23 THE COURT: Okay.

24 MR. LISZEWSKI: That's fine.

25 THE COURT: Okay.

1 MR. FERRELL: Okay.

2 (The following proceedings were held within the
3 hearing and presence of the Jury:)

4 MR. FERRELL: I have no further questions of this
5 witness, Your Honor.

6 THE COURT: Thank you. Mr. Liszewski?

7 MR. LISZEWSKI: Thank you, Your Honor. I just have a
8 couple.

9 CROSS EXAMINATION

10 QUESTIONS BY MR. LISZEWSKI:

11 Q The statement you just made to Mr. Ferrell that Mr. Kent
12 made a call on that phone, you just remember making that
13 statement, right?

14 MR. FERRELL: Your Honor, I object. First of all,
15 it's a mischaracterization. I don't know if Mr. Liszewski
16 meant that. He didn't testify that he made the phone call off
17 of that phone.

18 MR. LISZEWSKI: Looked for a number. Excuse me.

19 MR. FERRELL: Yes. Thank you.

20 MR. LISZEWSKI: Okay. That's fine.

21 THE COURT: Restate your question so the witness
22 understands what you're asking.

23 MR. LISZEWSKI: Not a problem. I'll restate it.

24 Q (By Mr. Liszewski) You just stated that Mr. Kent
25 obtained a number from that cellphone.

1 A Yes.

2 Q Okay. Did you document that in any meaningful way?

3 A No.

4 Q You didn't put that in any police report?

5 A No.

6 Q You didn't think that was important to put that in a
7 police report?

8 A No.

9 Q You didn't think it was important to put a cellphone that
10 could be at issue in a police report that he made a phone --
11 or looked for a number on it?

12 A We have done it in the past.

13 Q I didn't ask you what you've done in your past.

14 MR. FERRELL: Your Honor, may the witness finish his
15 answer before ---

16 THE COURT: Let him answer. You're asking the
17 question. Let him answer.

18 A We have allowed them to obtain numbers from their phone,
19 just phone numbers only, to make phone calls to family members
20 or any person thereof to let them know where their whereabouts
21 are at.

22 Q But you make no report of that.

23 A No.

24 Q No recollection of that.

25 A No.

1 Q The first time you said anything about this is coming to
2 trial today?

3 A Yes.

4 MR. LISZEWSKI: I have no further questions.

5 THE COURT: Mr. Ferrell?

6 MR. FERRELL: I have no further questions. Thank
7 you, Your Honor.

8 THE COURT: Thank you, sir. You may step down.
9 Would you call your next witness?

10 MR. SORRELL: Call Pam Glastetter, please.

11 PAM GLASTETTER,

12 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS
13 FOLLOWS:

14 THE COURT: Go ahead, Mr. Sorrell.

15 MR. SORRELL: Thank you.

16 DIRECT EXAMINATION

17 QUESTIONS BY MR. SORRELL:

18 Q Would you state your name for the record, please?

19 A Pamela Glastetter.

20 Q And, Mrs. Glastetter, what's our occupation?

21 A Circuit Clerk of Scott County.

22 Q And what are your responsibilities and job duties with
23 that occupation?

24 A My job is to maintain and to keep true the records of the
25 Circuit Court.

1 Q Would that include records of felony convictions in the
2 Scott County Circuit Clerk's Office?

3 A Yes.

4 Q And those would be convictions that would be handed down
5 by the Scott County Circuit Judge?

6 A Yes.

7 Q Who is the Scott County Circuit Judge?

8 A David A. Dolan.

9 Q All right. And are those records of convictions made at
10 or near the time that the conviction is made?

11 A Yes.

12 Q For those records of convictions, will they all include
13 the charging information in your record?

14 A Yes.

15 Q Would it also include a record of the conviction
16 document?

17 A Yes.

18 Q Would it also include for certain classes of felonies a
19 record of the transcript of the case?

20 A Yes.

21 Q Of the plea hearing and sentencing hearing?

22 A Yes.

23 Q Okay. And, also, would it include the docket sheets made
24 as part of that case?

25 A Yes.

1 Q Okay. And that would be made in every felony case that
2 comes through your office?

3 A Correct.

4 Q Okay. Are you a custodian of those records?

5 A Yes, sir.

6 Q Now ---

7 MR. SORRELL: May I approach the witness, Your Honor?

8 THE COURT: You may.

9 Q (By Mr. Sorrell) Ma'am, I've handed you what's been
10 marked as Exhibits 4 and 5. Would you tell the Court what
11 Exhibit 4 is, please?

12 A Exhibit 4 is the case file of *State v. Tron Kent*. The
13 case I mean.

14 Q Would you recite -- Well, let me -- Before you go any
15 further with that, let me ask you this: Is this case file
16 that you just referred to on Exhibit 4 a case file from your
17 office?

18 A Yes, sir.

19 Q And has it been kept in accordance with the standards
20 that you previously testified to?

21 A Yes, sir.

22 Q And have there been any alterations or changes made in
23 Exhibit 4?

24 A No, sir.

25 MR. SORRELL: Your Honor, I'll offer Exhibit 4.

1 THE COURT: Exhibit 4 is admitted.

2 MR. LISZEWSKI: Can I just ask that it be subject to
3 my Motion in Limine?

4 THE COURT: It may be subject to your Motion in
5 Limine.

6 Q (By Mr. Sorrell) Would you read the case number for that
7 particular file into the record?

8 A 04CR744136-01.

9 Q Would you turn to the felony information, the charging
10 document in that particular case?

11 First off, may I look at that? Because I don't know
12 if that was -- I just want to make sure I had you read the
13 right place.

14 A Okay.

15 Q Would you read Count II of the charging document to the
16 Jury, please.

17 A In violation of Section 195.200 RSMO, committed a Class B
18 felony of possession of a controlled substance with intent to
19 distribute punishable upon conviction under Section 558.011.12
20 RSMO; in that on or about January the 20th, 2004, in the
21 County of Scott, State of Missouri, the Defendant with the
22 intent to distribute possessed crack cocaine, a controlled
23 substance, knowing of its presence and illegal nature. Term
24 of years: Not less than five ---

25 Q Let me stop you on that.

1 A Okay.

2 Q That would be fine. Would you -- Is there, also, a
3 record of the judgment in that case?

4 A Yes, sir.

5 Q And was Mr. Kent convicted of that particular count?

6 A Yes, sir.

7 Q Is there also a record of the transcript of the plea
8 hearing in that case in your court file?

9 A Yes, sir.

10 Q Would you turn to that transcript, please?

11 Would you turn to Page -- Well, first off, who's the
12 judge in this particular case?

13 A David A. Dolan.

14 Q All right. And would you turn to Page 2 of the
15 transcript, please? Would you -- Is the transcript noted with
16 "Q" for questions and "A" for answers?

17 A Yes.

18 Q And who would be speaking if a question would be asked?

19 A It would either be the attorney or it could be the
20 prosecuting attorney or the defendant's attorney.

21 Q All right.

22 A I'm not ---

23 Q Would the Judge also be asking questions?

24 A Yes.

25 Q And who would the answers be given by?

1 A The defendant.

2 Q All right. Now if you'll look on Page 2, starting with
3 Line 21, there's a question. Who's asking the questions at
4 that particular point?

5 A The Court.

6 Q So Judge Dolan would be speaking?

7 A Yes.

8 Q Would you read Line 21 through Line 23, please?

9 A Okay. Question: Your name is Tron Kent. Is that
10 correct? Answer: Yes, sir.

11 Q All right. And then would you turn to Page 5 of that
12 exhibit? And what I'd like you to do is start reading at Line
13 24 on that page and read through Line 10 on the next page.
14 Just through the first full paragraph first. If you would
15 just read that for me, please.

16 A Question: Listen to the facts the prosecutor says she
17 would prove if we had a trial. If they are different from
18 what you believe them to be, let me know.

19 Q And then on Line 2 there's another person identified as
20 speaking. Is that correct?

21 A Yes, sir.

22 Q And who is that?

23 A Miss Weis is the Assistant Prosecuting Attorney.

24 Q All right. Would you go ahead and start reading from
25 Line 2 and read through Line 10?

1 A "Your Honor, in 744136, the facts would be on or about
2 January the 20th of 2004, Mr. Kent was being arrested on an
3 unrelated charge. During the course of the arrest, he was
4 searched. Ten pieces of crack cocaine were located in his
5 pocket. Each was packaged individually for sale. That was in
6 the 300 block of Westgate Street in the County of Scott, State
7 of Missouri. Mr. Kent also admitted his intent to sell at
8 that time."

9 Q All right. And then on Page 6, if you'll start reading
10 at Line 16 and read through Line 5 of Page 7. So we'll start
11 with Line 16 and the first five lines of the next page. And
12 identify the speakers, if you would, please.

13 A Question: (This would be from Judge Dolan) Is that
14 basically what happened in these cases, Tron?

15 Answer: Yes, sir.

16 Question: Do you remember when I asked you to raise
17 your right hand and promise to tell us the truth, has
18 everything you told us so far today been the truth?

19 Answer: Yes, sir.

20 Question: Nobody has asked you to come in and tell a
21 lie or take the blame for somebody else, have they?

22 Answer: No, sir.

23 Q Let me -- Let me stop you there. Yes, go ahead and read
24 through the next five lines on that page.

25 A Okay. Question: Your plea in the Case No. 04CR744136 in

1 Count II of the Class B felony of possession of a controlled
2 substance on or about January the 20th of 2004 in Scott
3 County, are you guilty or not guilty of that offense?

4 Answer: Guilty.

5 Q Ma'am, I've also given you an exhibit marked 5 on your
6 table in front of you. Is that right?

7 A Yes, sir.

8 Q And would you tell the Court what that exhibit is?

9 A That is ---

10 Q Or let me -- let me ask it in this fashion: Is it
11 another conviction record in a case called State v. Tron Kent?

12 A Yes, sir.

13 Q From Scott County, Missouri?

14 A Yes.

15 Q Is that Case Number 04CR744392?

16 A Yes.

17 Q All right. Is that file, Exhibit 5, a -- your actual
18 file from your Clerk's Office?

19 A Yes.

20 Q And has it been maintained by you?

21 A Yes.

22 Q Is it the actual record of the information, conviction
23 documents, the docket entries and the transcript of that
24 particular case?

25 A Yes.

1 Q All right. No changes have been made in that record to
2 your knowledge, have they?

3 A No.

4 MR. SORRELL: Your Honor, I'll offer Exhibit 5.

5 THE COURT: Exhibit 5 is admitted.

6 MR. LISZEWSKI: Can we make that subject to my Motion
7 in Limine, Your Honor?

8 THE COURT: It can be subject to that.

9 MR. SORRELL: May I approach the witness one more
10 time?

11 THE COURT: (Affirmative gesture).

12 Q (By Mr. Sorrell) And lastly, Ma'am, I've handed you
13 what's been marked Exhibit 6. Is that a copy of the plea
14 transcript that you just read from?

15 A Yes, sir.

16 Q And does it have the Clerk's certificate in the back of
17 that copy?

18 A It would have the court reporter's certificate.

19 Q I'm sorry. You're right. But that's a copy of what you
20 just read from. Is that right?

21 A Right. It has been stamped "filed" and put in the file.

22 Q Yes. All right.

23 MR. SORRELL: Your Honor, I'll offer Exhibit 6.

24 THE COURT: Exhibit 6 is admitted.

25 MR. SORRELL: Nothing further.

1 THE COURT: Mr. Liszewski?

2 MR. LISZEWSKI: Judge, I have no questions of
3 Miss Glastetter.

4 THE COURT: Okay. Thank you very much, Ma'am. You
5 may step down. You want to call your next witness?

6 MR. SORRELL: Your Honor, may we approach the bench
7 and speak just briefly?

8 THE COURT: Yeah.

9 MR. SORRELL: Mr. Liszewski?

10 (The following proceedings were held at sidebar,
11 outside the hearing of the Jury:)

12 MR. SORRELL: Your Honor, the next witness may be
13 fairly lengthy.

14 THE COURT: That's okay because I'm going to go till
15 about 12:30. I have a plea to take at 12:30, so we'll get as
16 far as we can.

17 MR. SORRELL: It may be longer than that.

18 THE COURT: That's all right. We can break for
19 lunch. That's all right. I mean I don't want to break for
20 lunch right now. I want to break for lunch at 12:30.

21 MR. SORRELL: Okay. I just wanted to ask.

22 THE COURT: Yeah. No; that's fine. And then what we
23 might do is -- I've got this plea set at 12:30, but right
24 after that, if you want to make your Offer of Proof, we can do
25 that. I assume we've got the witness here.

1 MR. LISZEWSKI: I mean if -- What we could do, Judge,
2 just a way to kind of ---

3 MR. SORRELL: You might even stipulate or write out a
4 stipulation as to what the Offer of Proof would be.

5 THE COURT: Well, however you want to do it. I mean
6 if you have a preference as to how you want to do it, I'm
7 happy to do it.

8 MR. LISZEWSKI: What I was going to suggest is why
9 don't I do that whenever -- You know, the Government's
10 position is that it hasn't been introduced yesterday. Why
11 don't we wait until the Government rests and then I'll -- you
12 know, we'll go from there.

13 THE COURT: That's fine. I just want to be sure that
14 if we wind up doing this with the witness, the witness is
15 still here. I mean I can do it whenever. I just don't want
16 the Jury waiting for it, but I also want you to have a witness
17 if you ---

18 MR. LISZEWSKI: Yes, Ma'am.

19 THE COURT: Okay.

20 (The following proceedings were held within the
21 hearing and presence of the Jury:)

22 MR. SORRELL: We're retrieving our next witness,
23 Your Honor. I'm sorry.

24 THE COURT: Okay.

25 MR. FERRELL: May we approach just one moment,

1 Your Honor?

2 THE COURT: Yeah.

3 (The following proceedings were held at sidebar,
4 outside the hearing of the Jury:)

5 MR. FERRELL: Judge, we didn't anticipate having to
6 call Amy Doyle before lunch.

7 THE COURT: Okay.

8 MR. FERRELL: She's the 16-year-old or 17-year-old.
9 She's very nervous. She's very upset --

10 THE COURT: Yeah, okay.

11 MR. FERRELL: -- and that's why I was taking a
12 second. She's got probably 30 exhibits to identify, and we're
13 going to need to assemble those on the table here at this time
14 and have those ready for her examination. So that's where we
15 fell short.

16 THE COURT: Okay. Well, we can break for lunch, and
17 I'll just have to come back and take this plea. Actually we
18 can break immediately and you can do your Offer of Proof.
19 I'll send the Jury out.

20 MR. FERRELL: Judge, I appreciate that.

21 THE COURT: We'll do the Offer of Proof and then I'll
22 take the plea later.

23 MR. FERRELL: It would make things go a lot faster
24 when she takes the stand.

25 THE COURT: Okay. Why don't we do that.

1 MR. LISZEWSKI: It looks like the Jury is getting
2 uncomfortable, anyway.

3 THE COURT: Okay.

4 (The following proceedings were held within the
5 hearing and presence of the Jury:)

6 THE COURT: Ladies and Gentlemen, because of some
7 scheduling issues that have just arisen, I think what we'll do
8 is break right now for the noon hour. I would ask you all to
9 come back to the Jury Room by 1:15 this afternoon and we'll
10 proceed with the trial. Again, please do not discuss the case
11 among yourselves or with anyone, and we will see you this
12 afternoon at 1:15. Thank you very much. You're now free to
13 go. Will the attorneys remain here?

14 (Jury excused from the courtroom.)

15 (The following proceedings were held outside the
16 hearing and presence of the Jury:)

17 THE COURT: Let the record reflect the Jury is not in
18 the courtroom. At this time, Mr. Liszewski, do you want to
19 make your Offer of Proof?

20 MR. LISZEWSKI: I would, Your Honor. I would prefer
21 to do it in question and answer form, if that would be
22 sufficient.

23 THE COURT: That's fine.

24 MR. SORRELL: Who do you need?

25 THE COURT: Who do you need?

1 MR. LISZEWSKI: Detective Moody.

2 ANTHONY MOODY,

3 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS
4 FOLLOWS:

5 (OFFER OF PROOF)

6 THE COURT: You're still under oath, sir. Okay. Why
7 don't we proceed then with the Offer of Proof.

8 MR. LISZEWSKI: Thank you, Your Honor.

9 CROSS EXAMINATION

10 QUESTIONS BY MR. LISZEWSKI:

11 Q Detective Moody, the topic I want to come back to is
12 Amy Doyle's conversation you had with her and the juvenile
13 officer.

14 A Okay.

15 Q Okay? Now this was after she had been taken back to the
16 Police Station, right?

17 A Correct.

18 Q Okay. And at that point you read her her *Miranda* rights.

19 A The juvenile officer did.

20 Q Oh, the juvenile officer. The juvenile officer read her
21 *Miranda* rights to her?

22 A That's correct.

23 Q And she waived those rights?

24 A That's correct.

25 Q Was her mother present or did the mother know about the

1 interview as well?

2 A The mother was present.

3 Q The mother was present as well?

4 A Yes.

5 Q So she consented to you talking to -- or the juvenile
6 officer talking to her daughter?

7 A That's correct.

8 Q Okay. Now she did admit to you that the drugs were found
9 in her shoebox?

10 A Yes.

11 Q She did admit to you that the drugs were found in her
12 wooden jewelry box?

13 A Yes.

14 Q She did admit to you the gun was found in her nightstand?

15 A Yes.

16 Q At that point -- At that point was she arrested?

17 A Later on she was placed in the Detention Center there,
18 the Juvenile Detention Center.

19 Q And that involves you changing out her street clothes and
20 putting her into orange and white clothes?

21 A I don't know what their process is. We drop them off at
22 the front and then leave.

23 Q Was she booked in the normal procedure, I guess is my
24 question?

25 A Yes, sir.

1 Q My next question, sir, is regarding a gentleman by the
2 name of Chris Scott. Have you heard that name before in your
3 dealings?

4 A Yes, sir.

5 Q What is your understanding of Chris Scott as far as the
6 City of Charleston goes? Does he have a reputation for being
7 a drug dealer?

8 A I'm unaware of it.

9 Q Are you aware of any prior contacts with him or is he
10 suspected in any way of being involved with drugs in
11 Mississippi County or Charleston?

12 A I know who some of his associates are, but as far as
13 saying he's a drug dealer, I can't say.

14 Q Okay. Some of his associates, I take it, may be involved
15 in that.

16 A That's correct.

17 Q Okay.

18 MR. LISZEWSKI: Your Honor, that's all I have for the
19 Offer of Proof of this witness. I would submit that the Court
20 should allow me to bring that in on my Case in Chief
21 because it ---

22 THE COURT: To bring what in? You covered a couple
23 of things.

24 MR. LISZEWSKI: The evidence regarding the third
25 person and Amy Doyle being arrested. Essentially there is

1 credible evidence to suggest someone else -- it might have
2 been someone else's drugs or someone else may be involved.
3 And I would just ask that whenever it's my turn to present
4 evidence, the Court allows me to do that.

5 MR. SORRELL: Your Honor, --

6 THE COURT: You want to respond?

7 MR. SORRELL: -- it's just strictly character
8 evidence. If Mr. Scott were here today testifying in person,
9 you could not ask him a question about his other specific acts
10 of drug dealing. It's just simply not admissible. And in
11 this case, it's even more remote because it's not the
12 testimony of the witness himself but a third-party who's not
13 testified, who's not been here, who's certainly not on our
14 witness list; maybe Mr. Liszewski will call him and ask him
15 those questions directly but, again, it's nothing more than an
16 attempt to use a red herring defense without there being any
17 proof that Mr. Scott did these exact acts.

18 THE COURT: Yeah. With respect to Mr. Scott, I just
19 don't think, even from the answers elicited here, that we have
20 any basis to be talking about Mr. Scott in this case. And I'm
21 not about to say you can bring him in on your Case in Chief.
22 I don't know what all is in your Case in Chief, but based on
23 what we now have, I'm not sure even -- Maybe you've got a way
24 of bringing him into this, but if you bring him in directly,
25 you may do that. I don't know. That's up to you. I don't

1 know what your plans are.

2 With respect to Miss Doyle, I'm not sure what that
3 has to do with anything at this juncture. You know, she'll --
4 she'll be here and testify, but I'm not, you know -- You'll
5 have ample opportunity to cross-examine, but I'm not sure that
6 Mr. Moody's testimony here helps us along as to anything. I
7 don't know that at this point it's relevant to anything.

8 MR. LISZEWSKI: I believe it will become relevant
9 later, Judge.

10 THE COURT: Well, what you want to do in your case --

11 MR. LISZEWSKI: That's fine.

12 THE COURT: -- as far as Cross Examination, ---

13 MR. LISZEWSKI: That's fine. I just want to make my
14 offer now so in the event you do refuse it, ---

15 THE COURT: Yeah. I'm going to deny your Offer of
16 Proof, but you got it in the record.

17 MR. LISZEWSKI: I guess my question is just for
18 clarification for me, Judge: When it is my turn to present
19 evidence, will I be allowed to call him or can we revisit this
20 argument after the Government's presented all their evidence?

21 THE COURT: Well, I think we're going to have to see
22 what else happens in this case.

23 MR. LISZEWSKI: That's fine.

24 THE COURT: I can't make a ruling on something when I
25 don't know what the issue is going to be.

1 MR. LISZEWSKI: That's fine. I just want to make
2 sure the issue is not foreclosed.

3 THE COURT: Well, there's -- Wherever an issue is
4 foreclosed, I mean if you have some other -- some basis to
5 raise it in, I'm certainly here to take a look at it.

6 MR. LISZEWSKI: Okay.

7 THE COURT: Sure.

8 MR. LISZEWSKI: That's fine.

9 THE COURT: Sure. Sure. Thank you, sir. You may
10 step down.

11 Now is anybody going to need Mr. Moody again? I
12 think we need to tell him if he's going to -- needs to be
13 back.

14 MR. SORRELL: I do not.

15 MR. LISZEWSKI: I don't.

16 THE COURT: Just so he knows.

17 MR. SORRELL: Do you need any of the other officers
18 to stay?

19 MR. LISZEWSKI: Not that I'm aware of.

20 THE COURT: Okay. Just so they know.

21 MR. SORRELL: Yes.

22 THE COURT: Okay.

23 MR. SORRELL: Thank you.

24 THE COURT: Okay. Why don't we just take a -- Why
25 don't we just take a recess, okay, at this point?

1 MR. SORRELL: Yes. Thank you.

2 THE COURT: Okay.

3 (Court recessed from 11:50 A.M. until 1:05 P.M.)

4 (Jury seated by the Clerk.)

5 (The following proceedings were held within the
6 hearing and presence of the Jury:)

7 THE COURT: Mr. Ferrell?

8 MR. FERRELL: May it please the Court, Your Honor.
9 The Government would call Amy Jean Doyle.

10 AMY JEAN DOYLE,

11 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS
12 FOLLOWS:

13 MR. FERRELL: May it please the Court, Your Honor.

14 THE COURT: Okay.

15 DIRECT EXAMINATION

16 QUESTIONS BY MR. FERRELL:

17 Q State your name for the record, please, Ma'am.

18 A Amy Doyle.

19 Q Okay. And, Amy, how old are you today?

20 A 17.

21 Q Would you tell the Jury, please, what your date of birth
22 is?

23 A 7-7-89; July 7th of 1989.

24 Q July 7th of 1989. So you turned 17 --

25 A Last summer.

1 Q -- last summer. Okay. Now, Amy, what is your mother's
2 name?

3 A Sally Doyle.

4 Q And how old is your mom?

5 A She's 47.

6 Q And your father, what is his name?

7 A William Doyle.

8 Q Now, Amy, did your mother and father divorce at an early
9 age?

10 A Yes.

11 Q Okay. About how old were you when your mom and dad
12 divorced?

13 A 4.

14 Q Pardon me?

15 A I was 4.

16 Q Four years old. And have you lived with your mom ever
17 since?

18 A Yes.

19 Q Where have your mom and you lived Amy?

20 A At 509 South Sixth Street in Charleston, Missouri.

21 Q So you've lived there all your life?

22 A Yes.

23 Q Do you have a half-brother by the name of "Henry"?

24 A Yes.

25 Q Okay. Now has anyone lived with you and your mom at 501

1 South Sixth Street -- any other family members I'm talking
2 about at that residence -- besides you and your mom?

3 A My brother Henry has lived there.

4 Q Now Henry lived with you for a period of time?

5 A Yes.

6 Q And when was that?

7 A It was probably about -- up until I was in the sixth
8 grade.

9 Q Okay. And he's older than you are. Is that correct?

10 A Yes.

11 Q And is Henry a member of the military, the U.S. military
12 at this time?

13 A Yes.

14 Q So he hasn't lived in the home there for quite some time.
15 Is that right?

16 A Yes.

17 Q Now tell the Jury, please: Where did you go to school?
18 Where did you start school?

19 A When I first started going to school, I was going to
20 Christian Life Community School in Sikeston. And then in the
21 fifth grade, I started at Charleston Grade School all the way
22 up until my 10th grade year.

23 Q So Christian Life is a private school?

24 A (Affirmative gesture).

25 Q Then you started going to Charleston Grade School. Is

1 that correct? In fifth grade?

2 A At the middle of fifth grade.

3 Q Okay. And you went to -- I assume you went on to junior
4 high.

5 A (Affirmative gesture).

6 Q And then did you start high school in Charleston?

7 A Yes.

8 Q Now I want to talk about your freshman and sophomore year
9 just briefly, but during that period of time, how did you do
10 in school?

11 A I was an Honor Roll student.

12 Q Now let's go ahead to the first part of December of 2005.
13 Now I want to ask you: At that time were you going to school?

14 A Yes.

15 Q What grade were you in?

16 A 10th.

17 Q Okay. December of 2005, did you have your driver's
18 license?

19 A Yes.

20 Q How long had you had it?

21 A About six months.

22 Q Since July?

23 A (Affirmative gesture).

24 Q When you turned 16?

25 A (Affirmative gesture).

1 Q Okay. Were you working --

2 A Yes.

3 Q -- when you were driving to school?

4 A Yes.

5 Q Where were you working?

6 A At Kentucky Fried Chicken in Charleston.

7 Q Now back in December of 2005, did you have a friend by
8 the name of "Julie Stevenson"?

9 A Yes.

10 Q Now how did you meet Julie?

11 A Well, her mother and her lived next door to me, and she
12 had a cute baby and I seen her baby, and we started being
13 friends and pretty much her baby was my baby.

14 Q Okay. What was her baby's name?

15 A Katelyn.

16 Q Katelyn. You came very attached to Katelyn. Is that
17 correct?

18 A (Affirmative gesture).

19 Q Did you all spend time together? All three of you?

20 A Yes.

21 Q Okay. And Julie was older than you, though, wasn't she?

22 A Yes.

23 Q How old was Julie?

24 A At the time when this happened, she was 25.

25 Q 25, okay. Now she has -- At the time she had another

1 child by the name of Blake, right?

2 A (Affirmative gesture).

3 Q And then there was Katelyn.

4 A (Affirmative gesture).

5 Q Okay. Now there came a point in time that Julie moved.

6 Is that correct?

7 A Yes.

8 Q Where did she move to?

9 A She moved to Locust Street.

10 Q In Charleston?

11 A (Affirmative gesture).

12 Q Okay. And after she moved to Locust Street, did you go
13 to see her on occasion?

14 A Yes.

15 Q Did you see Katelyn?

16 A Yes.

17 Q Spend time together. I want to ask you now at this time
18 whether you know an individual by the name of "Tron Kent"?

19 A Yes.

20 Q I'd like for you to tell the Jury, please, how you know
21 Tron Kent. How was it that you came to meet Tron Kent?

22 A Well, when Julie moved over there, the second day she
23 lived there, I came over and I met Tron. He carried some
24 things in for Julie, and that's how I met him.

25 Q Okay. So you met him there on your second time that you

1 went to see Julie in December of '05?

2 A Yes.

3 Q And after you met him, did you have any reason to believe
4 that Tron Kent might be interested in you as far as a
5 relationship between you?

6 A Yes.

7 Q And why is that?

8 A Julie told me that he said I was cute.

9 Q Okay. And what was your reaction to that at that time?

10 A At first, I was like I really wasn't interested in him
11 because, you know, he was older but, you know, I'd be his
12 friend.

13 Q Okay. And what did Julie say?

14 A She told me I should get to know him. He's a nice guy.

15 Q So you -- you -- After that point in time -- At that
16 particular point in time, you were not interested in a
17 relationship with him. Is that correct?

18 A Yes.

19 Q Okay. Now I'd like to talk to you about what happened
20 then after that. On the next time that you were at Julie's
21 and you met or saw Tron Kent there, do you remember talking to
22 him?

23 A Yes.

24 Q Okay. And when you were talking to him, was there any
25 reason in your conversation for your age to come up in the

1 conversation?

2 A Yes.

3 Q Will you tell this Jury, please, Amy, what that
4 conversation was that you had with Tron Kent?

5 A Well, we were talking about I had to go to school the
6 next day, and he asked me what grade I was in, and I told him
7 I was in the 10th. And he asked me how old I was, and I told
8 him I was 16.

9 Q Now even after you told him you were 16, when you would
10 continue to go over to Julie's, would he spend time talking to
11 you and visiting with you?

12 A Yes.

13 Q Would you all hang out together, as the term might be
14 today, over at Julie's house?

15 A Yes.

16 Q Now at some point in time you did develop a relationship
17 with Tron Kent that was beyond just meeting him and talking to
18 him as friends. Is that correct?

19 A Yes.

20 Q Okay. Would you tell the Jury, please, about when that
21 was?

22 A About around the end of December, the beginning of
23 January we started being boyfriend and girl friend.

24 Q Okay. Now, Amy, at the time that you all developed a
25 relationship between boyfriend and girl friend, I want you to

1 tell the Jury whether or not this involved you having sexual
2 relations with Tron Kent.

3 A Yes.

4 Q Now when you would go over to Julie's house, did you
5 sometimes spend the night?

6 A Yes.

7 Q Now if you'd spend the night at Julie's house, what, if
8 anything, would Tron do?

9 A He would stay the night, too.

10 Q So the two of you started spending the night there. Is
11 that correct?

12 A Yes.

13 Q Now after you all began having a sexual relationship, how
14 often did this happen that the two of you engaged in sexual
15 relationship -- sexual acts of some kind?

16 MR. LISZEWSKI: Objection; relevance.

17 THE COURT: Overruled.

18 A Like four times a week.

19 Q (By Mr. Ferrell) Okay. So it was a regular thing. Is
20 that true?

21 A Yes.

22 Q Okay. Now you were still 16. Is that right?

23 A Yes.

24 Q All right. Did he tell you how old he was?

25 A Yes.

1 Q What did he say? What did he tell you?

2 A He told me he was 26.

3 Q Twenty-six years old.

4 A Well, he was 25 at the time.

5 Q Okay. And so he told you he was 25. Is that correct?

6 A Yes.

7 Q Now I want to go to the end of this month, January the
8 24th, okay, of 2006. Is that an important day in your mind?

9 A Yes.

10 Q Was there something -- some event that happened on that
11 day that caused you to always remember that day?

12 A Julie had her third baby, Kylie, that day.

13 Q Okay. So that's Kylie's birthday. Is that correct?

14 A Yes.

15 Q So when Julie was at the hospital with the baby, did you
16 happen to be over at her house?

17 A Later on that night, yes.

18 Q And who else was there?

19 A Tron.

20 Q Okay. That's -- Tron Kent was there. Did you have a
21 discussion with Tron Kent on January the 24th of 2006?

22 A Yes.

23 Q And what did Mr. Kent say to you?

24 A He told me he loved me.

25 Q That's the first time that he told you that he loved you.

1 Is that right?

2 A Yes.

3 Q And what was your response to him?

4 A I told him I loved him, too.

5 Q Did you believe you loved him?

6 A Yes.

7 Q Did you believe what he said to you?

8 A Yes.

9 Q Amy, you were living with your mom at 501 South Sixth
10 Street. Is that right?

11 A Yes.

12 Q About the end of January, first part of February -- Let's
13 move ahead to the first part of February. Did Tron begin
14 spending nights at 501 South Sixth Street with you and your
15 mother?

16 A Yes.

17 Q After a period of time, a couple of weeks or so, first
18 part of February goes by, let's move to around Valentine's
19 Day, the 14th. Do you know at or around that time whether or
20 not Tron started spending the night there every night?

21 A Yes.

22 Q And did he?

23 A Yes.

24 Q So he started spending the night at your house every
25 night after that?

1 A Yes.

2 Q Did he spend the night there at your house and some
3 portion of the night from that time all the way up to May the
4 8th?

5 A Yes.

6 Q Now at your house, how many bedrooms do you have?

7 A Three.

8 Q And your mom had one bedroom?

9 A Yes.

10 Q And you had a bedroom?

11 A Yes.

12 Q Where did Tron Kent stay when he stayed all night at your
13 house?

14 A He slept in my bedroom.

15 Q Now would you tell the Jury, please, what would a typical
16 day be like as far as who left the house and went where on a
17 typical day? And we're talking from the time after Tron Kent
18 moved in until May the 8th.

19 What would a typical day be like for you all?

20 A Well, I would go to school, and he would go to work if he
21 worked the day shift. And when I'd come home -- We'd come
22 home about 5:00 and then take a shower or whatever and go back
23 to Sikeston.

24 Q Okay. So let's start out in the morning. You went to
25 school.

1 A (Affirmative gesture).

2 Q He worked where?

3 A Ruby Tuesday.

4 Q Ruby Tuesday's. And how would you get to school?

5 A Either he would take me or my mom would take me.

6 Q Didn't you have a car?

7 A Yes.

8 Q What kind of car did you have?

9 A An Intrepid.

10 Q A Dodge Intrepid?

11 A Yes.

12 Q What did your mom drive?

13 A A van.

14 Q Okay. So why did you have to be taken to school?

15 A Because I let him drive my car.

16 Q You let him have your car?

17 A Yes.

18 Q So he drove your car and you got rides to school?

19 A Yes.

20 Q Now once you would get to school, obviously, you had to
21 find a way home.

22 A (Affirmative gesture).

23 Q How would you get home?

24 A Either my friends would give me a ride home or I would
25 walk home.

1 Q And once you got home in the evening, at some point in
2 time he would arrive home. Is that right?

3 A Yes.

4 Q And driving your Dodge Intrepid. Is that right?

5 A Yes.

6 MR. FERRELL: Your Honor, from time to time may I
7 have permission to approach the witness with exhibits?

8 THE COURT: You may.

9 MR. FERRELL: Thank you, Your Honor.

10 Q (By Mr. Ferrell) I've handed you what has been marked as
11 Government's Exhibit 9, and I'd like for you to identify that
12 for the Jury, if you can, please.

13 A These are the keys to my car and the key to my house.

14 Q These are -- This particular set of rings, key rings
15 rather, was identified as being taken from the car on May the
16 9th. Now would you know why Tron Kent would have those keys?

17 A Because he drove my car.

18 Q Okay. Whose keys -- Whose keyring was this originally?

19 A My mother's.

20 Q Your mother's keyring?

21 A (Affirmative gesture).

22 Q So at some point in time Mr. Kent got your mother's key
23 rings. Is that correct?

24 A Yes.

25 Q I assume that's voluntarily. We don't want to imply it

1 wasn't. So he was given your mother's keys. Is that right?

2 A Yes.

3 Q Now does that set of keys have a key to your house over
4 on Sixth Street?

5 A Yes.

6 Q So did Tron Kent have a key to the house himself at that
7 time?

8 A Yes.

9 Q Okay. Now you've looked -- It's fair to say before you
10 came in today, we showed you all of these exhibits, didn't we?

11 A Yes.

12 Q Okay. So I know that I've showed you what's been marked
13 as Government's Exhibit 39. Government's Exhibit 39 is --
14 contains some pink sheets with some pillow cases. Is that
15 correct?

16 A Yes.

17 Q And do you recognize Government's Exhibit 39?

18 A Yes.

19 Q And what is it?

20 A The sheets and the pillow cases from my bed.

21 Q Excuse me. I'm sorry.

22 A The sheets and pillow cases from my bed.

23 Q From your bed, okay. Now did sometimes you sleep with
24 sheets, sometimes without sheets?

25 A Yes.

1 Q Okay. Now during the time that we're talking about, from
2 February until May, did Tron Kent tell you -- continue to tell
3 you he loved you?

4 A Yes.

5 Q And you were continuing to have a sexual relationship
6 with him. Is that correct?

7 A Yes.

8 Q Okay. Now did you -- and can you tell the Jury if you
9 and Tron Kent at any time had sexual relations on those
10 sheets, Government's Exhibit 39?

11 A Yes.

12 Q Now did Tron Kent keep any of his things there at the
13 house?

14 A Yes.

15 Q Like what kind of things would he keep there?

16 A His clothes and his shoes and things of that nature.

17 Q All right. Now did he keep all of his stuff there at the
18 house?

19 A No.

20 Q Okay. Did he do his laundry there at the house?

21 A (Negative gesture).

22 Q Where did he do his laundry?

23 A At his mother's house.

24 Q If he had to do any -- Did he do any laundry there at
25 your house?

1 A Like if he had to have his work clothes, I would do it
2 there, but ---

3 Q You would do his laundry?

4 A Yes.

5 Q But for the most part, he took it out to his mother's?

6 A Yes.

7 Q Now you have a relatively small bedroom. I mean it's not
8 a huge, big bedroom. You had your closet. Was it pretty well
9 full?

10 A Yes.

11 Q Okay. And where would Mr. Kent throw his things when he
12 came into the room?

13 A They were sometimes in a bag underneath my clothes in the
14 closet.

15 Q Okay. Otherwise, just scattered kind of around the room?

16 A Yeah.

17 Q Now did anyone else live at your residence from February
18 to May of 2006 besides your mother and you?

19 A Tron did.

20 Q Okay. Did anyone else stay in your bedroom from February
21 to May of 2006 except for you and Tron Kent?

22 A No.

23 Q Did anyone ever keep anything in that bedroom during that
24 period of time besides you and Tron kept?

25 A No.

1 Q Now let's move ahead just a little bit into March, okay,
2 of 2006. Was there a time in March of 2006 when you thought
3 you were pregnant?

4 A Yes.

5 Q And why is that?

6 A Because I took a pregnancy test and it was positive.

7 Q When that happened, did you talk to Tron Kent?

8 A Yes.

9 Q Why did you talk to Tron Kent?

10 A Because if I was pregnant, I didn't want, you know, my
11 kid's father in jail. So I didn't want him to sell drugs, you
12 know.

13 MR. LISZEWSKI: Objection. Can we have a sidebar?

14 THE COURT: Yes.

15 (The following proceedings were held at sidebar,
16 outside the hearing of the Jury:)

17 MR. LISZEWSKI: None of these conversations have been
18 disclosed to me. I have heard nothing about this. This is
19 the first time I'm hearing today about her having
20 conversations with him about selling dope.

21 MR. FERRELL: And the point of your objection is
22 what?

23 MR. LISZEWSKI: My objection is that this is clearly
24 not comporting with discovery. At some point this had to be
25 memorialized at some point.

1 MR. FERRELL: No, it didn't.

2 THE COURT: No, I don't know that it did. I mean
3 what's your basis for asserting that?

4 MR. LISZEWSKI: The question -- These questions don't
5 pop out of thin air. You guys have had this for a while.

6 MR. FERRELL: You know, whenever -- Every statement
7 that we have, everything that was written down or any summary
8 of any statement we have you. Obviously, in preparation for
9 trial, I'm going over the facts in much more detail than just
10 simply just what some agent or officer wrote when he talked to
11 her.

12 MR. LISZEWSKI: Okay. Then that means someone is
13 talking to her and getting additional statements beyond what's
14 in those reports.

15 MR. FERRELL: That's correct, --

16 MR. LISZEWSKI: Okay.

17 MR. FERRELL: -- which would be me. I interviewed
18 her.

19 MR. LISZEWSKI: That's fine. But that's -- Her
20 statements are not work product.

21 MR. FERRELL: Well, you're -- First, they're not work
22 product but they're not a statement. You're entitled to any
23 written statement or any verbatim transcript which she has
24 adopted. A verbatim statement or any statement she has
25 adopted or her own statement, and you have every one of those.

1 MR. LISZEWSKI: I have the written statements, yes.
2 The fact of the matter is once you guys interviewed her and
3 you obtained more statements from her and you memorialized
4 those two written statements ---

5 MR. FERRELL: They were not memorialized. There's
6 the problem. That's the first issue.

7 MR. LISZEWSKI: So you've memorized -- you've
8 memorized these for the past four months?

9 MR. FERRELL: Yes. I've written out my questions
10 based upon my interviews with her, but I have not written down
11 any statement from her, nor have I had her look at statements,
12 nor have I had her adopt any statements.

13 MR. LISZEWSKI: So you have written down those
14 statements with the answer that she provided you?

15 MR. FERRELL: No.

16 MR. LISZEWSKI: You just said ---

17 MR. FERRELL: First of all, Judge, I've made my
18 point. I'm not going to be put through a cross-examination.

19 THE COURT: Okay.

20 MR. FERRELL: I've interviewed her in the same manner
21 I've interviewed every witness I've ever had.

22 THE COURT: What is your precise objection?

23 MR. LISZEWSKI: My precise objection is I'm not being
24 provided discovery. All these statements, I only have half of
25 what she's saying.

1 THE COURT: What discovery have you not received that
2 you now discovered you have not received it?

3 MR. LISZEWSKI: Apparently the conversation about her
4 selling drugs or him selling drugs.

5 THE COURT: Well, what we've heard here is the
6 Government has given you statements, and the statements she's
7 just made are not statements in discovery.

8 MR. FERRELL: They're not written statements.

9 MR. LISZEWSKI: I'm getting statements based off an
10 examination that an investigator had. I don't have the right
11 to do depositions. You know, --

12 THE COURT: Now that's -- Now that's the federal
13 rules. I can't help you there.

14 MR. FERRELL: I think that's the problem.

15 THE COURT: This is not state court.

16 MR. LISZEWSKI: But here's my dilemma, Judge. I'm
17 trying to make sure Tron Kent has a fair trial.

18 THE COURT: I understand.

19 MR. LISZEWSKI: And this is coming off, this trial,
20 by ambush. I'm not saying that Mr. Ferrell is doing anything
21 unethical. I'm not saying that at all.

22 MR. FERRELL: I understand, yeah. This is different
23 between the state system and the federal system. The
24 witnesses you call, if you've interviewed them, I don't have a
25 report from them, and that's the way the system works.

1 MR. LISZEWSKI: I understand that. I've read the
2 rules. I'm very familiar with the rules.

3 MR. FERRELL: Okay.

4 THE COURT: I can't change the rules now. That's
5 Congress.

6 MR. LISZEWSKI: I know that, Your Honor.

7 THE COURT: I can't change it.

8 MR. LISZEWSKI: But, Judge, out of some fundamental
9 fairness, I got to know what's coming. If I'm getting zinged,
10 I'm going to at least have to take the time to, after this is
11 done, to have time to talk to my client. This is the first
12 time I ever heard this.

13 MR. FERRELL: I'm sure we may have it recur. The
14 testimony is going to be pretty lengthy. We may be at that
15 point, Judge.

16 THE COURT: Yeah. I mean there's not much I can do.
17 You wish you'd had a chance to take depositions. That's not
18 provided for under the federal rules and I can't change it for
19 you here.

20 MR. LISZEWSKI: I just wish I had the oral
21 statements.

22 THE COURT: Well, unless you can tell me under what
23 rule I can order that, --

24 MR. LISZEWSKI: I guess the only thing I can think
25 of, Your Honor, ---

1 THE COURT: -- that's something to preserve for
2 appeal.

3 MR. LISZEWSKI: I'm trying to. The only thing I can
4 think of is under the Sixth Amendment rights.

5 THE COURT: Well, I'm going to have to overrule --

6 MR. LISZEWSKI: That's fine.

7 THE COURT: -- whatever the objection is.

8 MR. LISZEWSKI: That's fine.

9 (The following proceedings were held within the
10 hearing and presence of the Jury:)

11 THE COURT: Go ahead, Mr. Ferrell.

12 MR. FERRELL: Thank you.

13 Q (By Mr. Ferrell) Amy, I believe we were to the point
14 where I was asking you -- You had discussion with Tron Kent
15 after you thought you were pregnant, and I asked you why. And
16 you can correct me if I'm wrong, but you said that you didn't
17 want the father of your baby to be in jail for dealing drugs.
18 Is that correct?

19 A Yes.

20 Q So did you talk to him about that?

21 A Yes.

22 Q And what did he say?

23 A He said he wasn't going to do it anymore.

24 Q Okay. Said he would not -- wasn't going to do it
25 anymore. As it turned out, Amy, did you end up going to the

1 doctor?

2 A (Affirmative gesture). Yes.

3 Q And what did you find out when you went to the doctor?

4 A I wasn't pregnant.

5 Q Now you said you were 16 years old back at this time.

6 Okay? I suppose you had a cellphone.

7 A Yes.

8 Q Okay. Most everybody, you know, your age has one, I
9 guess.

10 A Yes.

11 Q And do you recall what your cellphone number was?

12 A It was 838-8877.

13 Q Now can you tell the Jury, please, whether or not
14 Tron Kent had a cellphone?

15 A Yes.

16 Q And tell us about that cellphone a little bit. What kind
17 was it?

18 A A Virgin Mobile phone.

19 Q The brand was a Virgin Mobile phone?

20 A (Affirmative gesture).

21 Q And had you -- Did you know anything about how he
22 acquired the phone or where he bought it or how he got it?

23 A I think he bought it at Wal-Mart.

24 Q Okay. Can you explain the reason why you feel that?

25 A Because he had one like that before and it was damaged,

1 and he wanted me to take that one back and I had the receipt,
2 and I took it to Wal-Mart but we couldn't take it back because
3 we didn't have the box and all that, so.

4 Q So you couldn't take it back there.

5 A No.

6 Q Okay. So he got another phone then.

7 A (Affirmative gesture).

8 Q A Virgin brand.

9 A Just like the first one.

10 Q Just like the first one.

11 A Yeah.

12 Q Now do you know remember what his cell phone number was
13 then?

14 A 931-9432.

15 Q 913 ---

16 A 931.

17 Q Oh, excuse me. 931-9432. Okay. Now your home phone
18 number back at that time was what?

19 A 683-3278.

20 Q Now I'm going to hand something to you. It's identified
21 as Government's Exhibit 7, and I'd like to ask you if you can
22 identify this for the Jury, please? What is Government's
23 Exhibit 7?

24 A That's Tron's phone.

25 Q Okay. Now you've looked at that phone. We've shown it

1 to you. Is that correct?

2 A Yes.

3 Q How are you sure that that's Tron's phone?

4 A It has pictures that I've seen in it and text messages
5 and pictures of him in it.

6 Q Okay. You've taken a look, opened that up, worked it,
7 pulled the pictures up and the text messages. Is that
8 correct?

9 A Yes.

10 Q Okay. And does it put the phone number right across the
11 front when you open it up?

12 A Yes.

13 Q Was that Tron's phone number --

14 A Yes.

15 Q -- that you just recalled?

16 A Yes.

17 Q Okay. Now when you looked on there, you looked at the
18 text messages. Some are kept in there. Is there a way to
19 delete text messages?

20 A Yes.

21 Q Okay. If you don't delete them, they're going to stay in
22 the in-box or the out-box. Is that right?

23 A Yes.

24 Q Did you look in the cellphone to examine the text
25 messages?

1 A Yes.

2 Q Did you see text messages in there that you knew from
3 your own recollection were text messages that you and he had
4 sent to one another?

5 A Yes.

6 Q There's also pictures on that. Is that correct?

7 A Yes.

8 Q And could you identify the pictures -- one of the
9 pictures as being a picture of Tron Kent?

10 A Yes.

11 Q Now what other names did Tron Kent go by between you and
12 he? What names?

13 A Like Boo-Boo, Boozie.

14 Q Excuse me. You said "Boo-Boo" and then what was the
15 other one?

16 A Boozie.

17 Q Boozie and?

18 A And KO, TKO.

19 Q KO and TKO. Okay. I'd like to hand you what has been
20 marked as Government's Exhibit 32-A, and this is a -- I ask
21 you if you can identify this for the Jury, please?

22 A Okay.

23 Q What is Exhibit 32-A?

24 A It's the contact list of the phone --

25 Q Okay.

1 A -- and text messages.

2 Q Okay. These are, first, the contact list that was on the
3 phone and then the text messages. Is that correct?

4 A Yes.

5 Q Now you have looked at the phone yourself and you have
6 looked at Exhibit 32-A. Is that correct?

7 A Yes.

8 Q And is Exhibit 32-A a fair and accurate transcript of the
9 actual contents of that phone?

10 A Yes.

11 MR. FERRELL: Judge, I'd offer Exhibit 32-A into
12 evidence.

13 THE COURT: 32-A is admitted.

14 Q (By Mr. Ferrell) Now for purposes of the testimony here
15 today, I'm going to ask you to take a look at a couple of
16 phone messages, one on March the 6th and one on April the
17 26th. So first, I want to give you Exhibit 32-B. Can you
18 tell the Jury, please, what Exhibit 32-B is?

19 A Text messages between us.

20 Q Okay. And these are text messages, and what are the
21 dates on the text messages?

22 A March the 6th and April the 26th.

23 Q Okay. And that's of 2006?

24 A Yes.

25 Q Okay. Now those were taken off Exhibit 7, the cellphone.

1 Is that correct?

2 A Yes.

3 Q Okay. Now again, are -- Is Exhibit 32-B a fair and
4 accurate summary of the text messages between you and
5 Tron Kent on March the 6th and April the 26th?

6 A Yes.

7 Q And what we've done in this exhibit, is it fair to say
8 that you have just matched up the in-box and out-box
9 conversations so that it just makes one continuous
10 conversation? Is that correct?

11 A Yes.

12 MR. FERRELL: Your Honor, at this time I'd offer into
13 evidence Government's Exhibit 32-B.

14 THE COURT: 32-B is admitted.

15 Q (By Mr. Ferrell) Now I would like to go over some of the
16 information that's contained on that particular exhibit.

17 Now let's go first to the phone message dated March
18 the 6th, the text message. Okay? The first message, is that
19 from you to him or him to you?

20 A From me to him.

21 Q Pardon me?

22 A From me to him.

23 Q Okay. And in that text message, you begin it off by
24 saying what?

25 A "Hey, Boo-Boo."

1 Q Okay. And what else did you tell him?

2 And first of all, I want to say, Amy, I know this is
3 very hard for you. Okay? You didn't intend for these
4 conversations to be between anyone else. Is that correct?

5 A Yes.

6 Q Okay. I know it's difficult, but we will have to go
7 through some of these things here today. Okay? So everyone
8 understands, you're just repeating what was said in the text
9 messages. Okay?

10 A (Affirmative gesture).

11 Q All right. And the response, Amy, that's contained on
12 32-B or actually not the response but part of this next
13 statement after you said, "Hey, Boo-Boo," you said, "Just
14 thinking about your big sexy head butt; texting to ask when we
15 going to get some more good dick?" Isn't that -- And then you
16 said, "Just playing." Isn't that right?

17 A Yes.

18 Q Now can you tell the Jury, please, after you text that
19 message to Tron Kent, what response did you get?

20 A You want me to read his response?

21 Q Yes, Ma'am.

22 A "You not playing. You know you want this dick. No. I
23 mean love stick."

24 Q Okay. That was the response on March the 6th. Is that
25 right?

1 A Yes.

2 Q Okay. Now, Amy, after you got that response back from
3 Tron Kent, you sent him a response. Is that correct?

4 A Yes.

5 Q And did you say, "Yeah, you know I wasn't playing. You
6 know I" -- and then you said "LUC" but you meant "LUV," right?

7 A Yes.

8 Q You had a typo, LUC.

9 A Yes.

10 Q "I love your love stick with your freaky big butt. You
11 know we're going to get freaky again tonight, Boo-Boo." Is
12 that what you sent?

13 A Yes.

14 Q Now when you said, "We're going to get freaky again
15 tonight," what did that mean?

16 A We're going to have sex again tonight.

17 Q Okay. And did you get together again --

18 A Yes.

19 Q -- following that?

20 A Yes.

21 Q In fact, later on, one of the photographs was taken on
22 that day. Is that correct?

23 A Yes.

24 Q Well, let's move ahead to the next conversation on April
25 the 26th, Amy. And on that particular exhibit, this

1 conversation of April the 26th, you recognize that message
2 between you and Tron Kent. Is that correct?

3 A Yes.

4 Q Now did this start out with you to him or him to you?

5 A Me to him.

6 Q And what did you say?

7 A I said, "Hey, Boozie, what are you doing? I'm just
8 sitting in P.E. Do you have to work today? I hope you're not
9 looking at porn. Got to go. Text back."

10 Q Okay. So where were you at when you sent that text
11 message?

12 A At school.

13 Q Okay. In P.E. class?

14 A Yeah.

15 Q You sent it to him. You said that "I hope you're not
16 looking at porn." Is that right?

17 A Yes.

18 Q Now why did you say that? What would cause you to say
19 that?

20 MR. LISZEWSKI: Objection; relevance.

21 THE COURT: Overruled.

22 Q (By Mr. Ferrell) What would cause you to say that?

23 A Because he watched porn.

24 Q Okay. So we have what's been marked as Government's
25 Exhibit No. 40. Amy, this is obviously a brown paper bag and

1 it contains a number of items which you've looked at these
2 before. Is that correct?

3 A Yes.

4 Q And can you identify what those are?

5 A Tron's porn tapes.

6 Q Okay. And those were the tapes that you were talking
7 about. Is that correct?

8 A Yes.

9 Q Where did he keep those porn tapes?

10 A In the room.

11 Q Okay.

12 MR. FERRELL: Your Honor, at this time I would offer
13 Government's Exhibit 40 into evidence.

14 THE COURT: Exhibit 40 is admitted.

15 Q (By Mr. Ferrell) Now going back to the exchange and the
16 conversation on April 26th, all right, after you told him, "I
17 hope you're not looking at the porn tapes," would you tell the
18 Jury, please, what his response was?

19 A "No, I ain't yet. Your mom is still here."

20 Q Now who's "mom"?

21 A My mom.

22 Q Okay. And so did you respond back to him?

23 A Yes.

24 Q Okay. And what did you say back to him?

25 A "You're nasty as hell but I still love your cute butt."

1 Q Okay. And did he respond back to you?

2 A Yes.

3 Q What did he say?

4 A "I know, babe. I love you, too."

5 Q So he told you he loved you, too. Is that right?

6 A Yes.

7 Q Then did you give another response to him?

8 A Yes.

9 Q What did you say?

10 A "I know you have to love your mom. Now be a good boy and
11 don't watch that porn or you'll be in trouble when I get
12 home."

13 Q Okay. Now when you say, "You have to love your mom," who
14 were you referring to then when you said "mom"?

15 A Me.

16 Q Okay. Is that something that you commonly did was call
17 yourself "mom" to him?

18 A Yes.

19 Q And did he call himself "dad" to you?

20 A Yes.

21 Q Now did you respond -- or excuse me. Did he respond to
22 your telling him not to watch the porn or he would be in
23 trouble --

24 A Yes.

25 Q -- when you got home?

1 A Yes.

2 Q And what did he say?

3 A "I don't know what to tell you -- tell you about that
4 because that's kind of hard to do."

5 Q Now, Amy, now you indicated that you recognized some of
6 the photographs that were pulled up that you examined on
7 Exhibit 7, correct?

8 A Yes.

9 Q Now, Amy, I've handed you four photographs at this time.
10 These are enlarged photographs, Exhibits 29 -- actually 28
11 through 31; 28, 29, 30 and 31. You have seen those. Is that
12 correct?

13 A Yes.

14 Q And those are enlargements, but other than the fact that
15 those are enlargements, are those fair and accurate copies of
16 the photographic images that you saw on Government's Exhibit
17 7, the cellphone, when you looked at it with the agents here?

18 A Yes.

19 Q And is it fair to say that one of the photographs is a
20 photograph of Tron Kent? The other three photographs are
21 photographs of you; one actually has a portion of you and
22 Tron. Is that correct?

23 A Yes.

24 Q Okay.

25 MR. FERRELL: Your Honor, I'd offer into evidence

1 Government's Exhibits 28 through 31.

2 THE COURT: Those are admitted.

3 MR. LISZEWSKI: Subject to my Motion in Limine,
4 please.

5 THE COURT: Subject to that.

6 MR. LISZEWSKI: Or pretrial. Excuse me.

7 Q (By Mr. Ferrell) Now what I'm showing here at this time
8 is Government's Exhibit 28. Okay? Now Government's Exhibit
9 28 is what?

10 A Tron Kent.

11 Q Okay. And is -- Do you recognize that as being a
12 photograph of Tron Kent?

13 A Yes.

14 Q And that was on the cellphone, Exhibit 7. Is that
15 correct?

16 A Yes.

17 Q Now Government's Exhibit 31, just so you know which
18 number this is, Amy, this is Exhibit 31. Okay? You recognize
19 Exhibit 31. Is that correct?

20 A Yes.

21 Q And what is Government's Exhibit 31?

22 A Me and Tron having sex.

23 Q Now, Amy, for a moment I'm going to have to -- Let me
24 first ask you, Amy: Government's Exhibit 31, when did you
25 first see it?

1 A After we took it.

2 Q Okay. And who actually took the picture, Government's
3 Exhibit 31?

4 A Tron.

5 Q Now, Amy, I'm going to have to show this photograph for a
6 moment. Okay? So this is a photograph, Government's Exhibit
7 31. Okay? Now you've identified this as a photograph of you
8 and Tron Kent having sex. Is that correct?

9 A Yes.

10 Q Okay. Now I want to talk to you about that more, Amy,
11 but this is, again, a fair and accurate copy of what was on
12 that cellphone, Government's Exhibit 7?

13 A Yes.

14 Q Now I'd like to talk to you about the circumstances under
15 which that particular photograph was taken. Okay? Now you
16 stated that you and the Defendant began having sex in January
17 of 2006. Is that correct?

18 A Yes.

19 Q Did he ever talk to you about taking a photograph of the
20 two of you having sex?

21 A Yes.

22 Q And the first time that he brought that up, what did you
23 say, Amy?

24 A "No."

25 Q Okay. And was that the end of it?

1 A No.

2 Q Did it ever come up again?

3 A Yes.

4 Q On one occasion or more than one occasion?

5 A More than one.

6 Q Okay. Did you continue to say, "no," that you did not
7 want him to take a picture of you all having sex?

8 A Yes.

9 Q Now, obviously, there came a point in time at which this
10 picture was taken. Is that right?

11 A Yes.

12 Q Now did you agree for the picture to be taken?

13 A Yes.

14 Q Now did he ask you if he could take that picture?

15 A Yes.

16 Q And did you tell him "yes"?

17 A Yes.

18 Q And did he then take the picture?

19 A Yes.

20 Q Now, again, I apologize but we're going to have to cover
21 this a little bit. Amy, how was the picture taken?

22 A We were doing it and he asked me if he could take it.

23 Oh, how were we?

24 Q Yeah. I want to say: How was it physically taken? How
25 was the picture taken?

1 A Well, he was behind me and he, you know, took the
2 picture.

3 Q You all were having sexual intercourse. Is that correct?

4 A Yes.

5 Q He was behind you?

6 A Yes.

7 Q All right. And what did he use to take the photograph?

8 A His phone.

9 Q His cellphone?

10 A Yes.

11 Q So he held the cellphone out and took a picture of your
12 middle area and his. Is that right?

13 A Yes.

14 Q Now after he took the photograph, did you look at it?

15 A Yes.

16 Q And so you knew it was on his cellphone after that point.
17 Is that right?

18 A Yes.

19 Q And that photograph shows him with his penis partially
20 inserted into your vagina. Is that a fair statement?

21 A Yes.

22 Q Okay. Now, obviously, you can't -- you don't see the
23 faces of the people, but that is -- those two people in that
24 picture are you and he. Is that correct?

25 A Yes.

1 Q Now is that the only photo that he took that day?

2 A No.

3 Q How many -- Did he take another photograph?

4 A Yes.

5 Q And was that before or after you had sex?

6 A After.

7 Q Okay. And where was the photograph taken?

8 A At my house.

9 Q Okay. Where in your house?

10 A In the bedroom.

11 Q Okay. And were you laying on the bed?

12 A Yes.

13 Q So did he ask to take that photograph?

14 A Yes.

15 Q Okay. Amy, I just want you to identify Government's
16 Exhibit No. 29. Is that a photograph that Tron Kent took of
17 you on that day?

18 A Yes.

19 Q Now we've covered Exhibits 28 and 29. We've covered 31.
20 I'll come back at a little bit later time to Government's
21 Exhibit 30. But other than just to identify this, was there
22 another occasion when a photograph was taken?

23 A Yes.

24 Q And was that on March the 6th?

25 A Yes.

1 Q Later on?

2 A Yes.

3 Q Okay. And I'll show you what's been marked as
4 Government's Exhibit 30. And is that a photograph taken by
5 Tron Kent of you?

6 A Yes.

7 Q And that's in your bedroom?

8 A Yes.

9 Q And the sheets under there is part of your comforter, one
10 of your comforters. Is that correct?

11 A Yes.

12 Q And it's reversible. Is that right?

13 A Yes.

14 Q Okay. One side has checks on it?

15 A Yes.

16 Q What does the other side have?

17 A It's all green.

18 Q It's all green?

19 A (Affirmative gesture).

20 Q We're going to come back to that Exhibit 30 a little bit
21 later, but let's go ahead to the events of May the 9th. Okay?
22 I want to talk to the Jury about May the 9th of 2006. Now do
23 you recall that date?

24 A Yes.

25 Q Do you recall where you were living?

1 A Yes.

2 Q And you were living at the same address, obviously.

3 A Yes.

4 Q Over on Sixth Street. Anyone living with you at that
5 time, May the 9th?

6 A My mom and Tron.

7 Q Tron was staying there every night since February you
8 said. Is that correct?

9 A Yes.

10 Q Now was -- When we go to the date of May the 9th, was
11 there anything in your room that did not belong to either you
12 or to Tron Kent?

13 A No.

14 Q When was the last time that you saw Tron Kent before the
15 morning of May the 9th, 2006?

16 A In the afternoon of May the 8th.

17 Q And was that right after school?

18 A Yes.

19 Q What happened when you came home after school on May the
20 8th?

21 A Our usual day. He came home from work and took a shower
22 and told me he was going to Sikeston.

23 Q And that was his kind of typical way to spend his time.
24 Is that right?

25 A Yeah.

1 Q Now when would he normally come back to the house when he
2 would leave to go to Sikeston?

3 A Around 3:00 in the morning.

4 Q Okay. So you recall going to bed on the evening of May
5 the 8th?

6 A (Affirmative gesture).

7 Q And were you awakened by someone at the door?

8 A Yes.

9 Q Was it the early morning hours now of May the 9th?

10 A Yes.

11 Q When you woke up, what did you do?

12 A I went to the door and I seen the flashlights but I
13 didn't have my contacts in, so I thought somebody was just
14 playing, you know. So I went and got my mom, and my mom
15 answered the door and I went and laid back down, and she said,
16 "It's the police; you need to get up."

17 Q Okay. Your mother came in and she told you it was the
18 police?

19 A (Affirmative gesture).

20 Q Okay. Were you advised that Tron had been arrested?

21 A Yes.

22 Q Were you asked to give consent to search your room?

23 A Yes.

24 Q Okay. Did they tell you you didn't have to give consent?

25 A Yes.

1 Q But you gave it, anyway?

2 A Yes.

3 Q Did you have anything in that room that you thought was
4 illegal that you had?

5 A No.

6 Q Nothing that you shouldn't have had; is that right?

7 A No.

8 Q Now were you worried or concerned that there might be
9 some things in that room that were illegal?

10 A Yes.

11 Q What were you worried about?

12 A Drugs and a gun.

13 Q And did you have reason to think or to hope maybe they
14 wouldn't be there?

15 A Yes.

16 Q Why is that?

17 A Because usually when he leaves he takes the gun with him
18 and most of the time the drugs.

19 Q Okay. When you say usually he takes the gun and most of
20 the time the drugs, when you say "he," who are you referring
21 to?

22 A Tron.

23 Q And when you say "when he leaves," you're talking about
24 leaving, going where?

25 A To Sikeston.

1 Q Okay. Do you ever go with him to Sikeston?

2 A No, but sometimes I do drop him off over there.

3 Q Okay. You took him. Okay. Now the officers, obviously,
4 found some things in that room that they collected. Is that
5 -- Is that correct?

6 A Yes.

7 Q I'm going to show you a list of items, Government's
8 Exhibits 17, 18, 37, 38, 36, 35 and 34. Okay? And I want you
9 to identify those for the Jury, please; 17, 18, 37 and 38.

10 Let's take a couple at a time, 17 and 18. Now I've
11 handed you what's marked first as Government's Exhibit 17.
12 You recognize that, don't you?

13 A Yes.

14 Q And what is Government's Exhibit 17?

15 A An ashtray that was in my bedroom.

16 Q And Government Exhibit 17 you said is an ashtray in your
17 bedroom that evening?

18 A Yes.

19 Q There were some cigarette butts in that ashtray. Is that
20 correct?

21 A Yes.

22 Q I'm going to hand you what's been marked as Government's
23 Exhibit 26; ask you if you can identify that. It's a
24 photograph, is it not?

25 A Yes.

1 Q And what is it a photograph of?

2 A The ashtray with the cigarette butts in it.

3 Q Okay. And that was in your room the morning that the
4 officers searched. Is that correct?

5 A Yes.

6 Q On May the 9th?

7 A Yes.

8 Q Now who smoked those cigarettes in that ashtray, if you
9 know, Amy?

10 A Tron.

11 Q Tron Kent?

12 A Yes.

13 Q Now Government's Exhibit 18 is a paper bag that contains
14 some clothes, and you've looked at these clothes. Is that
15 correct?

16 A Yes.

17 Q Okay. And these clothes are contained in 18, a pair of
18 jeans and a black shirt. Is that correct?

19 A Yes.

20 Q Or a sweater; I should say jacket. Do you recognize
21 those jeans and jacket?

22 A Yes.

23 Q Whose jeans and jacket are those?

24 A Tron.

25 Q They were in your room?

1 A Yes.

2 Q Now Government's Exhibit No. 37, okay, we're not going to
3 open these up, but this is a plastic bag containing a lot of
4 different clothes. Is that correct?

5 A Yes.

6 Q Different colors and things?

7 A Yes.

8 Q Now you've looked through those clothes. Is that
9 correct?

10 A Yes.

11 Q And whose clothes are those?

12 A Tron's.

13 Q Did it come out of your house that day?

14 A Yes.

15 Q Now including -- Like, for instance, you recognize each
16 one? All of those clothes?

17 A Yes.

18 Q And including his work shirt?

19 A Yes.

20 Q Okay. Now Government's Exhibit 37 -- excuse me -- 38,
21 I'm opening up a paper bag marked Government's Exhibit 38.
22 Government's Exhibit 38 is a pair of shoes. Do you recognize
23 those shoes?

24 A Yes.

25 Q Whose shoes do those belong to?

1 A Tron.

2 Q Tron Kent. And they were in your house on the morning of
3 May the 8th or May the 9th. Is that correct?

4 A Yes.

5 Q Now you said that Tron Kent worked at Ruby Tuesday's. Is
6 that correct?

7 A Yes.

8 Q I'd like to hand you at this time what has been marked as
9 Government's Exhibit 36. Can you identify Government's
10 Exhibit 36 for the Jury?

11 A Yes.

12 Q What is Government's Exhibit 36?

13 A Tron's timecards.

14 Q From work?

15 A Yes.

16 Q And you've looked at those. Is that correct?

17 A Yes.

18 Q And is the most recent one around May the 3rd or
19 thereabouts or at least one of them is?

20 A Yes.

21 Q Okay. Now what did he do with these timecards or
22 receipts when he would come in from work?

23 A Set them on the little nightstand.

24 Q The nightstand where? Where is the nightstand located?

25 A Right by the bed.

1 Q In your bedroom?

2 A Yes.

3 Q So that would not be uncommon for him to put the receipts
4 there. Is that correct?

5 A No.

6 Q Your answer is "no"?

7 A Yes. It wouldn't be uncommon.

8 Q Not uncommon, okay. That wasn't a very good question.
9 Thank you.

10 Now, also, I'd like for to you identify Government's
11 Exhibit 35 and 34. And you've looked at these again, have you
12 not?

13 A Yes.

14 Q Now Government's Exhibit 35 is some pink papers contained
15 in a sealed envelope there. You've looked at that. Is that
16 right?

17 A Yes.

18 Q Would you tell the Jury, please, what Government's
19 Exhibit 35 is?

20 A It's a title application for a car that we bought.

21 Q Okay. It's a title application for a car?

22 A (Affirmative gesture).

23 Q Now was that in the room on the morning of May the 9th?

24 A Yes.

25 Q Okay. Now that title application is for a car to be --

1 What kind of car, by the way?

2 A An '88 Oldsmobile Delta 88.

3 Q All right. Now let's talk about this particular car.

4 Who came up with this car?

5 A Tron.

6 Q Okay. And you needed to get a license. Is that true?

7 A Yes.

8 Q Now was Tron able to get a license on his own?

9 A No.

10 Q Did he come and ask you for help?

11 A Yes.

12 Q What did he ask you to do?

13 A To put my name on the title, too, with his and get the
14 insurance in my name and get it licensed.

15 Q You were how old?

16 A 16.

17 Q Did you put your name on the title to his car to help
18 title it in your name?

19 A Yes.

20 Q And did -- After you agreed to do this, what happened as
21 far as trying to acquire this title?

22 A I went and got the insurance and the license.

23 Q You got the insurance and the license?

24 A (Affirmative gesture).

25 Q Okay. After you got the insurance and the license -- I

1 should have you identify, if you would, Exhibit 34. This was
2 actually the license that you picked up. Is that correct?

3 A Yes.

4 Q And those were in your -- in the room, in the bedroom,
5 when the officers came and searched that morning. Is that
6 right?

7 A Yes.

8 Q And that car belonged then, as it's titled, to you and
9 Tron Kent. Is that right?

10 A Yes.

11 Q Now did you ever get the car license to put on?

12 A I never put those license plates on them.

13 Q Did something happen to the car?

14 A Yes.

15 Q Okay. But in any event, the license never actually got
16 put on the car. Is that right?

17 A Yes.

18 Q Okay. I want to show you some of the photographs, if we
19 will, that were taken during the execution of the search of
20 your room and ask you to identify these for the Jury, please.
21 They were taken at that time and a few of them taken at
22 different times, but let me give you Exhibit 43, first of all.

23 Actually, I'm going to give you Exhibits 43, 44, 45,
24 46, 47, 48, 49, 50 and 51. Is it fair to say that
25 Government's Exhibits 43 through 51 are all photographs of

1 your residence and/or your room when the officers did the
2 search?

3 A Yes.

4 Q Those photographs fairly and accurately depict the scene
5 that's shown on them. Are they fair and accurate?

6 A Yes.

7 MR. FERRELL: Your Honor, at this point in time I'd
8 offer into evidence Government's Exhibits 43 through 51.

9 THE COURT: Those are admitted.

10 Q (By Mr. Ferrell) I'm going to show these to the Jury,
11 please, Amy, and I want you to just describe very briefly what
12 each one of these are. Okay?

13 Here's Exhibit 43. Do you recognize that?

14 A Yes.

15 Q And what is Exhibit 43?

16 A That's my front porch and the front door.

17 Q Okay.

18 A My bedroom door.

19 Q Okay. This is the door to your bedroom?

20 A (Affirmative gesture).

21 Q Okay. Is that correct?

22 A Yes.

23 Q What color is that paint?

24 A The paint?

25 Q Yes, Ma'am, in your room.

1 A On the door?

2 Q No. I'm sorry. Inside the room you can see the paint.

3 A It's green.

4 Q Okay. Is your screen a little black and white?

5 A It's not black and white but it's blurry.

6 Q Not clear, okay. Your color is a rather bright green.

7 Is that correct?

8 A Yes.

9 Q Okay. Now Exhibit 45, what is that, Amy?

10 A That's my closet.

11 Q Okay. That's -- Is that the only closet in the room?

12 A Yes.

13 Q Okay. Those are all your clothes?

14 A Yes.

15 Q Okay. Exhibit 46, what is that?

16 A Tron's clothes.

17 Q Some of his clothes in the bag there with his shoes?

18 A Yes.

19 Q And were those there in the room that night?

20 A Yes.

21 Q Exhibit 47?

22 A My bed.

23 Q Okay. And that was your bed as it appeared that morning
24 when the officers came in --

25 A Yes.

1 Q -- as to the different covers? Is the pink sheets on
2 there that you just told us about earlier?

3 A No. I can't see.

4 Q They're not?

5 A I can't see.

6 Q You can't tell the colors? Okay. Exhibit 48?

7 A That's some clothes.

8 Q Okay. That's some more of the clothes that were bagged
9 up. Is that right?

10 A Yes.

11 Q Exhibit 49?

12 A The license plates.

13 Q That's where they were laying. Well, they were laying in
14 your room, not laying there on the bed but laying in your
15 room?

16 A Yes.

17 Q Now Exhibit 50, what are those documents in Exhibit 50?

18 A Receipts.

19 Q Okay. Those are the receipts -- If you need to see a
20 copy, those are -- that's the receipts laying on your dresser.
21 That's the receipts from work. Is that right?

22 A Yes.

23 Q Okay. And finally, Exhibit 51, is that also a photograph
24 of your room?

25 A Yes.

1 Q Now, Amy, there were a couple of other items that were
2 photographed and removed from your room that we haven't talked
3 about here today. First of all, I'm going to hand you what's
4 marked Government's Exhibit 27-A. I'm going to take this out
5 of the package. Actually it's laying on the front.

6 MR. FERRELL: And, Your Honor, this particular
7 firearm has been tagged, so it's rendered safe. It can't be
8 discharged.

9 Q (By Mr. Ferrell) I'll hand to you what I said has been
10 marked as Government's Exhibit 27-A. Do you recognize that
11 gun?

12 A Yes.

13 Q Okay. Is that gun yours?

14 A No.

15 Q Do you know whose it is?

16 A Yes.

17 Q Whose is it?

18 A Tron's.

19 Q Now I'm also going to show you what's marked as
20 Government's Exhibit 24 and ask you if you can recognize what
21 Government's Exhibit 24 is?

22 A That's my jewelry box.

23 Q It's your jewelry box. The items that were in it, was
24 that shown to you there that night by the law enforcement
25 officers?

1 A Yes.

2 Q Is the contents, those white rocks that are contained in
3 there, are those yours?

4 A No.

5 Q Whose are they?

6 A Tron's.

7 Q We're going to talk about that a little bit later on.
8 Let's talk about what happened after the officers found this
9 in the room. Okay? When the officers found this in your
10 room, what happened to you?

11 A I went to jail.

12 Q Okay. Where did you go to jail?

13 A The Juvenile Center down there in Charleston.

14 Q And you were 16?

15 A Yes.

16 Q And were you interviewed by Officer Moody? Were you
17 asked some questions about the -- Did he ask you some
18 questions about the crack and the gun?

19 A Yes.

20 Q And what did you tell him?

21 A I told him I didn't know anything about it.

22 Q Okay. Is that the truth?

23 A No.

24 Q Did you lie to Officer Moody --

25 A Yes.

1 Q -- when he showed you the gun and the crack there at the
2 house?

3 A Yes.

4 Q Now you also were interviewed down at the station, down
5 at the Juvenile Center. Is that correct?

6 A Yes.

7 Q Okay. And did you tell them that these were not your
8 drugs?

9 A Yes.

10 Q Had you ever handled these drugs?

11 A No.

12 Q Had you ever sold drugs?

13 A No.

14 Q Have you ever used cocaine?

15 A No.

16 Q Or crack cocaine?

17 A No.

18 Q Have you ever weighed out cocaine or crack cocaine on the
19 scales?

20 A No.

21 Q Have you ever bagged it up in Baggies like you saw in
22 that picture?

23 A No.

24 Q Amy, in what amounts are crack cocaine sold?

25 A I don't know.

1 Q Have you ever bought any crack cocaine?

2 A No.

3 Q Ever sold any crack cocaine?

4 A No.

5 Q Have you ever watched it being sold?

6 A (Negative gesture).

7 Q Ever collected any money from the sale of crack cocaine?

8 A No.

9 Q Do you have any idea how much it takes to use crack
10 cocaine? What a typical use amount is?

11 A No.

12 Q Now let's talk about your jewelry box. Okay? Where did
13 you get your jewelry box, Exhibit 14?

14 A My mom's boss gave it to me for Christmas that year.

15 Q I'm holding up here what's marked as Exhibit 14. This is
16 the jewelry box that we're talking about. Is that right?

17 A Yes.

18 Q Now you told us that your mom's boss had bought it for
19 you. Is that right?

20 A Yes.

21 Q Do you remember when that was?

22 A Christmas that year.

23 Q Christmas.

24 A '05.

25 Q Christmas of '05?

1 A Yes.

2 Q So you had it for like a year?

3 A Yes -- No. No; a couple of months.

4 Q I'm sorry. '05, just before all these things happened in
5 '06.

6 A Yes.

7 Q I'm sorry. Now where did you keep that?

8 A In the closet at my house.

9 Q Okay. I'll ask you if you can identify Exhibit 23 for
10 us, please. What is Exhibit 23?

11 A The jewelry box at the top of the closet.

12 Q Is that a fair and accurate representation of the jewelry
13 box, where it would have been kept when you went to bed on May
14 the 8th?

15 A Yes.

16 Q Okay.

17 MR. FERRELL: Your Honor, I'd offer Exhibit 23 if
18 it's not been offered.

19 THE COURT: 23 has been admitted.

20 MR. FERRELL: Okay. Thank you.

21 Q (By Mr. Ferrell) Now what did you keep in your jewelry
22 box? What did you keep in it?

23 A My earrings.

24 Q Okay. So when you first bought it, you started keeping
25 earrings in it?

1 A Yes.

2 Q Did you spend a lot of money for the earrings?

3 A No.

4 Q Are these expensive earrings?

5 A No.

6 Q Okay. And so you kept your earrings in them. And would
7 you from time to time go to them, obviously, and get your
8 earrings out of them?

9 A Yes.

10 Q Okay. Now there's some earrings contained in Exhibit 14.
11 Does that jewelry all belong to you?

12 A Yes.

13 Q Pardon me?

14 A Yes.

15 Q Okay. Those items that are in there, it's all items of
16 yours. Is that correct?

17 A Yes.

18 Q Okay. Is there anything in there worth very much money?

19 A No.

20 Q Okay. Now when the officers interviewed you about
21 Government's Exhibit 14, what did you tell them?

22 A I told them that I had lost it back in January.

23 Q You had lost it in January and then it appeared back in
24 your house.

25 A Yeah.

1 Q Is that right?

2 A Yes.

3 Q Now when you told the officers that you had lost it in
4 January and it appeared back in your house, was that the
5 truth, Amy?

6 A No.

7 Q Did you lie to those officers at that time?

8 A Yes.

9 Q You had seen it since December or January, hadn't you?

10 A Yes.

11 Q Okay. Where had that box been kept since January of '06?

12 A Till?

13 Q Till May. Between January and May, where did that box
14 stay?

15 A At my house in the closet.

16 Q Okay. In the same place that's shown in that photograph?

17 A Yes.

18 Q Okay. Now did you continue to use that box yourself from
19 January till May?

20 A No.

21 Q Well, did something happen that caused you to quit using
22 that particular box?

23 A Yes.

24 Q Okay. Would you share with the Jury, please, what it was
25 that caused you to quit using your jewelry box?

1 A I let Tron use it to put the drugs in it.

2 Q All right. Let's talk about that. How did this happen?

3 This is your jewelry box. Is that right?

4 A Yes.

5 Q How did it happen that his crack cocaine got in your

6 jewelry box?

7 A He asked me if he could use it for that and I said "yes."

8 Q So you knew that he was going to put crack cocaine in it.

9 A Yes.

10 Q And you told him he could.

11 A Yes.

12 Q And did he?

13 A Yes.

14 Q Did you see him put crack cocaine in it?

15 A Yes.

16 Q From the point in time that he first put crack cocaine in
17 your jewelry box, did you ever open that jewelry box again?

18 A No.

19 Q Did anyone -- Did you ever use the jewelry that was in
20 that box ever again?

21 A No.

22 Q Why not? Why didn't you use your earrings?

23 A Because I didn't -- I didn't want that on me.

24 Q Okay. After he had the crack cocaine in it, you didn't
25 even want to wear the earrings.

1 A No.

2 Q Now did anyone get into your jewelry box after the crack
3 cocaine was put into it --

4 A Yes.

5 Q -- that you saw?

6 A Yes.

7 Q Who did you see get into that jewelry box?

8 A Tron.

9 Q And what was he doing?

10 A Either putting it in or taking it out.

11 Q So you have seen him put crack cocaine in there like that
12 on other occasions?

13 A Yes.

14 Q You seen him take crack cocaine out?

15 A Yes.

16 Q When would -- What would be the circumstances when you
17 would see him taking crack cocaine out?

18 A I didn't see him take it out all of the time but, you
19 know, once a week or so I'd see him, but I wasn't always in
20 the bedroom either, so.

21 Q Okay. The once-a-week or so that you would actually see
22 him taking crack cocaine out, where did he go after he took it
23 out of there?

24 A He'd leave.

25 Q He'd be gone?

1 A Yeah.

2 Q Now around when was it that he -- you first let him put
3 his crack cocaine in that jewelry box?

4 A Like the end of February.

5 Q Okay. Of '06?

6 A Yes.

7 Q So did he continue to use it to store his drugs between
8 February, this date in February, until May the 8th?

9 A Yes.

10 Q Now when you were interviewed by the officers, you didn't
11 tell them that -- that you had seen that happen, did you?

12 A No.

13 Q Did you tell them that you -- it wasn't yours and so you
14 thought it was Tron's? Is that right?

15 A Yes.

16 Q Okay. Was there any doubt in your mind about whether or
17 not it was Tron's?

18 A No.

19 Q Now with regard to the cocaine that was actively seized,
20 the 60 grams or so of cocaine we've had identified, had you
21 ever seen that much in the jewelry box before?

22 A No.

23 Q Is that the most that you had ever seen him with?

24 A Yes.

25 Q And did you know from your own personal knowledge -- I

1 think you've already testified to this, but whether or not
2 between February and May of '06 Tron Kent was selling crack
3 cocaine?

4 A Yes.

5 Q You know that yourself?

6 A Yes.

7 Q Now we've talked about two occasions. Excuse me.

8 There's one particular occasion that you talked to Tron about
9 his drug dealing when you thought you might be pregnant.

10 Okay?

11 A Yes.

12 Q Was there another occasion around Kylie's birth when you
13 talked to him?

14 A Yes.

15 Q Did you discuss -- What did you discuss with him about
16 his drug dealing on that occasion?

17 A Well, when Kylie was born, she was born with crack in her
18 system, and Julie told me about it and she told me that Tron
19 was selling to her.

20 MR. LISZEWSKI: Objection; hearsay, Judge.

21 MR. FERRELL: Judge, I'll strike the remark, but ---

22 THE COURT: The Jury will disregard the last comment.

23 Q (By Mr. Ferrell) What I want to know, you indicated you
24 had a conversation with Tron Kent. Is that right?

25 A Oh, yes.

1 Q And did Tron talk back to you after you said something to
2 him?

3 A Yes.

4 Q And with what he said back to you, did it have to do with
5 his dealing drugs?

6 A Yes.

7 Q What did you say to him before he gave you a response
8 about his drug dealing?

9 MR. FERRELL: And, Judge, I'll offer this not for the
10 truth of the matter asserted but to explain the response that
11 Tron Kent gave only.

12 A I told him not to sell to Julie anymore and he told me he
13 wouldn't.

14 Q (By Mr. Ferrell) Now -- So that we understand, what did
15 you say to him that caused him to say that?

16 A Because if she hadn't -- Her kids was already taken away
17 that day, but she had to quit doing drugs and go to rehab,
18 too.

19 MR. LISZEWSKI: Objection, Your Honor.

20 MR. FERRELL: I'll rephrase it, Judge.

21 MR. LISZEWSKI: Motion to strike and ask the Jury to
22 disregard that.

23 THE COURT: The Jury will disregard that comment.
24 Restate your question.

25 MR. FERRELL: Yeah.

1 Q (By Mr. Ferrell) I was wanting you to tell just what you
2 had said to Tron that caused his response. And have you
3 adequately said that to us? Told us what you said?

4 A Yes.

5 Q And what did he say when you told him not to sell drugs
6 to Julie anymore?

7 A He told me he wouldn't.

8 Q Okay. Did you believe him at that time?

9 A Yes.

10 Q Now did something happen later on -- Well, let me
11 rephrase that.

12 On this occasion that you talked about before where
13 you thought you were pregnant and you had this discussion with
14 him, did you later on after that discussion have reason to
15 believe from what you personally saw that he was selling
16 again?

17 A Yes.

18 Q Did you confront him about that?

19 A Yes.

20 Q What did he say when you confronted him about continuing
21 to deal drugs after that occasion?

22 MR. LISZEWSKI: Your Honor, objection. Can we have a
23 sidebar, please?

24 THE COURT: Yeah.

25 (The following proceedings were held at sidebar,

1 outside the hearing of the Jury:)

2 MR. LISZEWSKI: This is exactly what I was talking
3 about with the previous 404(b) evidence that there's been no
4 notice of. That was Motion No. 6 in my Motion in Limine.
5 She's going to get up there and allege another drug sale that
6 I have no notice about. There's no way that I can defend it.
7 She's getting up here and rattling off things, conversations
8 with people about drugs that have been sold, specifically
9 prior bad acts. All of this has not been noticed. Judge, I
10 got to ask for a mistrial.

11 THE COURT: Any response?

12 MR. FERRELL: Judge, I don't offer this under 404(b).
13 This was at or near the time, relatively close in time to his
14 possession of the drugs. The question is whether or not he
15 intended to distribute those drugs, and her testimony will be
16 that he told her he was going to make enough money dealing
17 drugs so they would not have to worry about money again. That
18 was his intentions.

19 THE COURT: Well, I'm going to let you make one more
20 opportunity to elicit it and be very, very careful. I'm going
21 to overrule your objection.

22 MR. FERRELL: This will be the only question I'll
23 ask, Judge.

24 (The following proceedings were held within the
25 hearing and presence of the Jury:)

1 Q (By Mr. Ferrell) What did he say when you confronted him
2 as to whether or not he was dealing at that time?

3 A That he was just going to do this, trying to make it
4 where we wouldn't have to do anything anymore and then he's
5 going to stop.

6 Q So when he said that, you knew that he was going to be
7 having drugs in the house?

8 A Yes.

9 Q Now this particular gun that they showed you, we've seen
10 this gun before. I showed it to you before. Government's
11 Exhibit 27, okay? And you recognize that, correct?

12 A Yes.

13 Q Now I want you to tell the Jury, please, whether you seen
14 that gun before.

15 A Yes, I have.

16 Q Now where have you seen the gun?

17 A At my house and Tron had it.

18 Q Pardon?

19 A At my house and he had it.

20 Q Okay. And you've seen it at your house?

21 A Yes.

22 Q Where have you seen it at your house?

23 A In the nightstand.

24 Q Okay. And whose gun was this?

25 A Tron's.

1 Q The first time, can you remember, Amy, independently, in
2 your own mind, the first time you ever saw that gun?

3 A Yes.

4 Q Where was that?

5 A At Julie's house.

6 Q Okay. And why were you at Julie's house?

7 A Because it was New Year's Eve.

8 Q And who else was there with you?

9 A Tron.

10 Q Tron Kent was there. So it's New Year's Eve. It's at
11 Julie's house. Tell the Jury, please, what was going on about
12 the time you saw the gun.

13 A Well, he came inside and, you know, everybody was outside
14 shooting their gun.

15 Q You were hearing the shots outside?

16 A Yes.

17 Q Okay. So then he came inside. What happened then?

18 A Well, I gave him a hug or whatever, and I felt it and I
19 was like, "What's that?" And he showed it to me and asked me
20 if I wanted to shoot it but I said "no."

21 Q What did you tell him when he asked you if you wanted to
22 shoot Government's Exhibit 27-A?

23 A "No."

24 Q You said "no"?

25 A Yes.

1 Q Did you shoot it?

2 A No.

3 Q Have you ever shot it?

4 A No.

5 Q Have you ever shot a gun like this before? A handgun of
6 any kind?

7 A No.

8 Q Other than -- Have you ever even personally held a
9 handgun in your life?

10 A No.

11 Q Do you know much about guns, Amy?

12 A No.

13 Q Well, this particular gun, do you know whether that's a
14 revolver or not?

15 A No.

16 Q Of your own knowledge, you don't even know if that's a
17 revolver. Is that right?

18 A Right.

19 Q Okay. Let me ask you: This particular gun, it has
20 something on it. I'm going to point to that in the middle
21 here; this thing. What do you call that?

22 A Spinning thing.

23 Q A spinning thing?

24 A Yeah.

25 Q Is that -- Do you know -- On this particular gun, Amy,

1 would you know how to load that gun? Where the -- How you put
2 the bullets in it?

3 A No.

4 Q Do you know how to cock the gun so it will shoot?

5 A I think you pull that thing, you know, the thing back
6 there.

7 Q This thing?

8 A Yeah.

9 Q What do you call that?

10 A I don't know.

11 Q Okay. Well, you pull that back and then you pull the
12 trigger. Is that correct?

13 A Yes.

14 Q Okay. Now is there any safety on that kind of a gun? Do
15 you know?

16 A I don't know.

17 Q Do you know what caliber it is?

18 A No.

19 Q Do you -- That's okay. After the occasion that you saw
20 him on New Year's Eve with this gun in his pants -- Is that
21 where it was?

22 A Yes.

23 Q Okay. Front, back or do you remember?

24 A Front.

25 Q In the front of his pants?

1 A Yes.

2 Q Okay. Now after you saw it in the front of his pants,
3 did you -- where did you see the gun again after that?

4 A I seen it at Susie's house one more time after that.

5 Q You saw it on a table once at Susie's house?

6 A Yes.

7 Q And did you -- And when you saw it you said at your
8 house, where was it kept?

9 A In the nightstand.

10 Q I'm going to show you what's been marked as Government's
11 Exhibit 20. Let's talk about that. Is that where the gun was
12 normally kept?

13 A Yes.

14 Q Now who would you see put the gun in the cabinet?

15 A Tron.

16 Q Did you ever put it in the cabinet?

17 A No.

18 Q Did you ever take it out of the cabinet?

19 A No.

20 Q Who did you see take it out of the cabinet, if anyone?

21 A Tron.

22 Q I'd like to talk to you about when you would see him take
23 it out of the cabinet. What would be the typical kind of
24 occasion when you would see him take that gun out of the
25 nightstand cabinet?

1 A Well, he didn't take it every day but he would usually
2 take it when he goes to Sikeston.

3 Q Okay. So he would be leaving when he took it?

4 A Yes.

5 Q When you would see him put it in the cabinet, what would
6 be the circumstances?

7 A He'd be coming home, getting ready to get in bed, and
8 he'd wipe it off and then put it in there.

9 Q I want to talk to you about that. You would see that he
10 would have the gun with him when he came back home at times?

11 A Yes.

12 Q And then what would he do with the gun?

13 A Wipe it off and then put it in there.

14 Q What do you mean by "wipe it off"?

15 A Like wipe the handle part off and wipe the trigger off.

16 Q And when you say the handle part that he would wipe off,
17 are you referring to this part right here?

18 A Yes.

19 Q Okay. So he would wipe it off. What would he wipe it
20 off with before he would put it away?

21 A His shirt.

22 Q And then the other part you described as the trigger
23 part. Is that correct?

24 A Yes.

25 Q This part right in here?

1 A Yes.

2 Q You would see him wipe it off. Okay. After he had wiped
3 off the handle and the trigger, what would he do with it?

4 A Put it in the nightstand.

5 Q Okay. Now the nightstand that this particular gun was
6 found in, how far away from your closet is that nightstand?

7 A Not very far. Like if you open the closet door, you
8 would hit the nightstand.

9 Q Now the closet is where the crack cocaine was. Is that
10 correct?

11 A Yes.

12 Q And if you open the closet door, you hit the nightstand?

13 A Yes.

14 Q Now they also showed you a photograph of some money or
15 actually they showed you a box, a shoebox, containing some
16 money and some more of those little white rocks, didn't they?

17 A Yes.

18 Q Okay. I'll show you what's been marked as Exhibit 22.
19 Can you identify that for the Jury, please?

20 A Yes. That's my shoebox.

21 Q Okay. That's the -- That's a shoebox, a blue shoebox,
22 and it contains some money and some more of those rocks. Is
23 that your money?

24 A No.

25 Q Is that your white rocks that are bagged up in those

1 Baggies?

2 A No.

3 Q Now when you saw that that night, had you ever seen it in
4 that box before?

5 A No.

6 Q Whose shoebox was that?

7 A My shoebox.

8 Q Okay. When's the last time you'd been in that shoebox?

9 A When I bought the shoes.

10 Q How long ago was that?

11 A About a month before that.

12 Q So you hadn't looked in it in the last month?

13 A (Negative gesture).

14 Q Now there was other shoeboxes there close to that one,
15 wasn't there?

16 A Yes.

17 Q Were any of them Tron Kent's shoebox?

18 A There was one on the floor that was his.

19 Q Okay. So he had one box on the floor that was his, one
20 box was yours. Is that correct?

21 A Yes. I had one underneath that one that was mine, too.

22 Q Okay. Well, let's look at Exhibit No. 26. Can you tell
23 what that is a photograph of?

24 A Tron's shoebox.

25 Q That's his shoebox at the end of the counter or table

1 there? Dresser --

2 A Yes.

3 Q -- you call that? And it wasn't in his shoebox, was it?

4 A No.

5 Q It was in yours?

6 A Yes.

7 Q Had he asked you about putting it in that box?

8 A No.

9 Q Now, Amy, you've admitted that after you were arrested,
10 that you didn't tell the whole truth. In fact, you lied to
11 law enforcement officers at times. Isn't that true?

12 A Yes.

13 Q When you were arrested and confronted by the officers
14 with this evidence, did you have feelings for Tron Kent?

15 A Yes.

16 Q How did you believe you felt for Tron Kent at that time?

17 MR. LISZEWSKI: Objection; relevance.

18 THE COURT: Overruled.

19 A Can you repeat the question?

20 Q (By Mr. Ferrell) How did you feel about Tron Kent at
21 that time?

22 A I cared about him.

23 Q Did you want him to be in trouble?

24 A No.

25 Q Did you want to be in trouble yourself?

1 A No.

2 Q Did you believe that he loved you?

3 A Yes.

4 Q Were you scared?

5 A Yes.

6 Q Were you scared to death?

7 A Yes.

8 Q Were you afraid at that time of telling the truth?

9 A Yes.

10 Q What were you afraid of?

11 A That something would happen to me and my mom.

12 Q What do you mean "something happen to you"?

13 A Like something bad happen to us.

14 Q For telling the truth?

15 A (Affirmative gesture).

16 Q Are you still scared?

17 A (Affirmative gesture). Yes.

18 Q But you're under oath here today. Isn't that true?

19 A Yes.

20 Q Amy, I've just got a few more questions for you; just a
21 few more minutes, but I would like to ask you if you recall
22 the last time you took a picture of Tron Kent?

23 A About a week before this.

24 Q Would you say that again, please, Amy?

25 A About a week before all of this happened.

1 Q Where did you take that picture?

2 A In my bedroom.

3 Q Did I ask you to bring us a copy of that picture?

4 A Yes.

5 Q And did you do that?

6 A Yes.

7 Q I've handed to you what's been marked as Government's

8 Exhibit 58. Can you identify that for the Jury, please?

9 A Yes. It's a picture of Tron standing in my doorway.

10 Q And you took that picture just before all of this

11 happened. Is that right?

12 A Yes.

13 Q Is it a fair and accurate representation of Tron Kent --

14 A Yes.

15 Q -- as he stood there in the doorway of your bedroom

16 within a few days of the time that this occurred?

17 A Yes.

18 MR. FERRELL: I'd offer Government's Exhibit 58,

19 Your Honor.

20 THE COURT: Exhibit 58 is admitted.

21 Q (By Mr. Ferrell) Now we have shown the Jury Government's

22 Exhibit 58. Do you recognize the outfit that he is wearing?

23 A Yes.

24 Q Is that the outfit that he was wearing that day?

25 A Yes.

1 Q Is that an outfit you're familiar with?

2 A Yes.

3 Q Okay. And whose picture is that on there?

4 A Scarface.

5 Q Now he is standing at your doorway. Is that correct?

6 A Yes.

7 Q Now you have looked at this particular photograph and you
8 have also looked at some of the photographs that were taken
9 that night. Is that correct?

10 A Yes.

11 Q Now the area that's depicted in this photograph includes
12 the dresser or whatever we would call this right as you come
13 in the door. Is that correct?

14 A Yes.

15 Q Now do you also recognize some of the items which are
16 shown on that counter on Government's Exhibit 58? Do you also
17 recognize them on Government's Exhibit 56 and 25? And I'll
18 show you these two.

19 A Yes.

20 Q Let's talk about these. On Government's Exhibit 58, what
21 is this item that I'm pointing to right here?

22 A A box of sandwich bags.

23 Q Okay. I'm going to now show you Government's Exhibit 25,
24 a photo that was taken the night of the execution of the
25 search warrant. And what is this?

1 A A box of sandwich bags.

2 Q Setting on the same counter?

3 A Yes.

4 Q Now Exhibit 58 -- excuse me -- Exhibit 58, can you tell
5 from your photograph what that item is, the gray item which is
6 located just by the Baggie? Okay. I'm going to hand this up
7 there to you so you can see it better.

8 A Oh. The remote.

9 Q The remote to your TV there in the room?

10 A Yes.

11 Q And it's right there by the Baggie. Is that correct?

12 A Yes.

13 Q I want to show you on Exhibit 25, taken the night of the
14 execution of the search warrant. What do you see there beside
15 that Baggie?

16 A The remote.

17 Q Same remote that you see beside the Baggie in Exhibit 58?

18 A Yes.

19 Q Now in Exhibit 56, can you tell the Jury, please, what
20 this is that I'm pointing to at this time?

21 A A Hennessy bottle.

22 Q That's a Hennessy bottle of liquor?

23 A Yes.

24 Q Is that correct?

25 A Yes.

1 Q Whose bottle was that?

2 A Tron's.

3 Q I want to show you on Government's Exhibit 58 that you
4 took. What is this that I'm pointing to here?

5 A The Hennessy bottle.

6 Q The same Hennessy bottle on the table; is that correct?

7 A Yes.

8 Q Now, also, I will show you on Exhibit 56 behind this
9 Corona bottle is a pink item. Do you recognize what that is?

10 A Yes.

11 Q And what is that?

12 A A perfume box.

13 Q Okay. I'm going to ask you on Exhibit 58.

14 A A box that perfume comes in.

15 Q Okay. On Exhibit 58, can I ask you what this item is
16 right here? Can you tell?

17 A The perfume box.

18 Q And, also, I'd like to show you on Exhibit 56. What is
19 this that I'm pointing to here?

20 A A bag of cough drops.

21 Q And on Exhibit 58, what is this I'm pointing to here?

22 A A bag of cough drops.

23 Q Now, Amy, it's been a year since May the 9th; over a
24 year. Did you finish school?

25 A No. I had finished out my sophomore year after this

1 happened and then I went and got my GED.

2 Q You didn't go back to school.

3 A No.

4 Q And why not?

5 A Because ---

6 MR. LISZEWSKI: Objection; relevance, Your Honor.

7 THE COURT: Overruled.

8 A Because everybody knew what happened.

9 Q (By Mr. Ferrell) So you did not go back to school to
10 continue your education. Is that correct?

11 A Yes.

12 Q Did you -- Have you continued it on your own?

13 A Yes.

14 Q In what way?

15 A I got my GED and now I'm enrolled in college.

16 Q And you're how old now, Julie?

17 A I'm Amy.

18 Q Amy, I'm sorry. I apologize.

19 A I'm 17.

20 Q 17. I have just a few final questions right now. And I
21 want you to tell this Jury if you know the fact that you are
22 under oath here today and subject to the penalties of perjury?
23 Are you aware of that?

24 A Yes.

25 Q Do you know that perjury is a felony offense and if you

1 lie about a material or important fact here today, that you
2 yourself could be prosecuted?

3 A Yes.

4 Q Do you understand that?

5 A Yes.

6 Q I have -- The crack cocaine that was found in your box --
7 in the box belongs to who?

8 A Tron.

9 MR. LISZEWSKI: Objection; asked and answered.

10 THE COURT: Overruled.

11 MR. FERRELL: I'm about to finish.

12 THE COURT: Go ahead.

13 MR. FERRELL: Thank you.

14 Q (By Mr. Ferrell) The cellphone -- we covered Exhibit
15 7 -- belongs to who?

16 A Tron.

17 Q The gun that I've shown to you and you've seen several
18 times belongs to who?

19 A Tron.

20 Q The person that took this picture, Exhibit 31, on Exhibit
21 7, that cellphone, who is that?

22 A Tron.

23 Q Amy, the person that you've identified as Tron Kent, the
24 Tron Kent that you identified that had the gun, the cocaine
25 and the cellphone and took this picture, is he here in the

1 courtroom today?

2 A Yes.

3 Q I'd like for you to point him out to this Jury, please.

4 A He's right over there.

5 Q And what is he wearing?

6 A He's sitting over there with the gray-looking shirt on
7 and the tie.

8 Q And the tie?

9 A (Affirmative gesture).

10 MR. FERRELL: Your Honor, may the record reflect this
11 witness has identified the Defendant, Tron Kent?

12 THE COURT: It may.

13 MR. FERRELL: I have no further questions of this
14 witness, Your Honor.

15 THE COURT: At this time I think we'll take a short
16 recess.

17 Again, Ladies and Gentlemen, please do not discuss
18 this case among yourselves or with anyone else. We'll take a
19 short recess and then resume testimony later. You may leave
20 the courtroom.

21 You may step down. Court is in temporary recess.

22 (Court recessed from 2:40 P.M. until 3:00 P.M.)

23 (Jury seated by the Clerk.)

24 (The following proceedings were held within the
25 hearing and presence of the Jury:)

1 THE COURT: You may cross-examine.

2 MR. LISZEWSKI: Thank you, Your Honor.

3 CROSS EXAMINATION

4 QUESTIONS BY MR. LISZEWSKI:

5 Q Miss Doyle, we have at least two occasions where you told
6 lies to the police.

7 A Yes.

8 Q Are you aware that lying to the police is a crime?

9 A Yes.

10 Q What's your understanding of lying to a police officer?
11 About making a false statement on a case?

12 A I'm really not for sure.

13 Q That's a crime punishable up to six months in jail at a
14 state ---

15 MR. FERRELL: Your Honor, I object to that as counsel
16 is testifying at this point. It's not a question but a
17 statement.

18 THE COURT: Sustained.

19 Q (By Mr. Liszewski) First thing, let's talk about what
20 you lied about. According to you, you have never touched this
21 gun.

22 A Yes.

23 Q It's not what you told Agent Gregory at an interview, is
24 it?

25 A Well, I did ---

1 Q "Yes" or "no"?

2 A Yes.

3 Q And, in fact, you told Agent Gregory you had touched this
4 gun on at least one occasion, didn't you?

5 A Yes.

6 Q You also told Agent Gregory that the way you saw that gun
7 was on a kitchen table when Tron Kent wasn't holding it, true?

8 A Yes.

9 Q Today at trial you're saying you hugged Tron Kent and you
10 felt the gun on him.

11 A That was the first time I seen it.

12 Q My question for you was: When you discussed the case
13 with Agent Gregory, you indicated you saw the gun on the
14 table? "Yes" or "no"?

15 A Yes.

16 Q You said nothing about hugging Tron Kent and feeling a
17 gun, did you?

18 A No.

19 Q You said nothing about Tron Kent having a gun in the
20 house, did you?

21 A No.

22 Q Whenever you talked about your jewelry box, you said you
23 took your jewelry box over to Julie Stevens' house.

24 A Yes.

25 Q And then you lost it.

1 A Yes.

2 Q Then it comes back and then there's drugs in it.

3 A Yes.

4 Q You're saying the drugs in the shoebox -- You said the
5 drugs -- You had never checked that shoebox since you bought
6 those shoes.

7 A No, I didn't.

8 Q And you're here at trial testifying to that.

9 A Yes.

10 Q Let's go ahead and talk about that. You're actually not
11 charged with this offense, are you?

12 A No.

13 Q Even though they found drugs in your jewelry box.

14 A No.

15 Q Even though they found a gun in your nightstand.

16 A No.

17 Q Even though they found a gun in your shoe -- or drugs in
18 your shoebox.

19 A No.

20 Q You aren't charged?

21 A No.

22 Q You never retained a lawyer.

23 A No.

24 Q You never appeared in court on these charges.

25 A No.

1 Q You got this dismissed without the aid of counsel.

2 MR. FERRELL: Well, Your Honor, objection. There's
3 no charges. We haven't seen a charge being filed.

4 MR. LISZEWSKI: That's my point; there's no charges.

5 MR. FERRELL: They were simply dismissed.

6 THE COURT: I'm going to sustain that. Go ahead with
7 your next question.

8 Q (By Mr. Liszewski) No charges were ever filed.

9 A No.

10 Q Now I want to talk to you -- When the police arrested
11 you, they found the drugs -- When they found the drugs in your
12 room, they arrested you.

13 A Yes.

14 Q They took you to the station.

15 A Yes.

16 Q They handcuffed you.

17 A Yes.

18 Q They fingerprinted you.

19 A Yes.

20 Q They booked you.

21 A Yes.

22 Q They processed you.

23 A Yes.

24 Q And then the police wanted to talk to you.

25 A Yes.

1 Q And the -- Who brought up the name "Tron Kent" Kent first?

2 A The police.

3 Q Which police officer brought up Tron Kent's name first?

4 A Moody; Anthony Moody.

5 Q What did Detective Moody tell you?

6 A He told me that Tron was arrested and asked me about the
7 drugs and the gun and the money and all that that was in the
8 room.

9 Q Okay. And so naturally at that point, you knew that they
10 thought Tron Kent was the one who had those drugs.

11 A Yes.

12 Q So you said, "They're not mine."

13 A Yes.

14 Q Now when you talked to Detective Moody, you weren't
15 entirely truthful with him either.

16 A No.

17 Q You lied about the gun.

18 A Yes.

19 Q You lied about the box.

20 A Yes.

21 Q You lied about the shoebox.

22 A Yes.

23 Q You lied about your actual knowledge of these supposed
24 drugs.

25 A Yes. I didn't lie about the shoebox.

1 Q You agreed to cooperate with the police, didn't you?

2 A Yes.

3 Q Basically they wanted to know if Tron Kent was involved
4 and you gave them that?

5 A Yes.

6 Q And because of that, you got to go home.

7 A Yes.

8 Q You went home after Agent Gregory and after Sergeant
9 Stolte talked to you and videotaped a confession with you.

10 A Yes.

11 Q At that confession you were in jumpsuit orange.

12 A Yes.

13 Q And you blamed it on Tron Kent.

14 A Yes.

15 Q And you still lied.

16 A Yes.

17 Q So you lied to -- You lied to Detective Moody. You lied
18 to Agent Gregory. How in the world can we expect you to tell
19 the truth today?

20 MR. FERRELL: Your Honor, I'll object to that as
21 being argumentative.

22 THE COURT: Sustained.

23 MR. FERRELL: Thank you.

24 Q (By Mr. Liszewski) Now according to you, Miss Doyle, a
25 day in the life of Mr. Kent would be that he would go to work

1 and he would come home at about -- in the evening-ish before
2 the sun went down and go to Sikeston.

3 A (Affirmative gesture).

4 Q That's your story.

5 A Yes.

6 MR. LISZEWSKI: May I approach Your Honor?

7 THE COURT: You may.

8 MR. LISZEWSKI: I'm showing the Government what's
9 been marked as Exhibit 36.

10 Q (By Mr. Liszewski) Miss Doyle, Exhibit 36, the receipt
11 on the far left, would you, please, read the date as well as
12 the time as it corresponds to "in"?

13 A "Wednesday, April 19th, 5:00 PM."

14 Q Next line as it corresponds to "out."

15 A "Wednesday, April 19th, 11:41 PM."

16 Q That's almost midnight.

17 A Every -- He did not work days every day.

18 Q Okay. Let's go to ---

19 A And when he worked nights, he stayed in Sikeston until
20 3:00 in the morning and then came home.

21 Q Miss, I asked you the question.

22 A I'm sorry.

23 Q The answer is "yes" or "no."

24 A Yes.

25 MR. FERRELL: Your Honor, I object. He's arguing

1 with the witness. I don't think it's "yes" or "no."

2 THE COURT: Ask your next question.

3 Q (By Mr. Liszewski) Let's look at the fourth one here,
4 "Sunday, April 23rd, 4:54 PM." Did I read that correctly?

5 A Yes.

6 Q Out Sunday April 23rd, 10:24 PM. Did I read that
7 correctly?

8 A Yes.

9 THE COURT: Mr. Liszewski, stand at the lectern.

10 Q (By Mr. Liszewski) So when you say that Tron Kent was
11 out galavanting around Sikeston every night, that's a bid
12 disingenuous, isn't it?

13 MR. FERRELL: Your Honor, I'm going to object to this
14 again. It's argumentative with this witness.

15 THE COURT: Overruled.

16 Q (By Mr. Liszewski) Let me reask the question. When you
17 said earlier Tron Kent was in Sikeston every night, --

18 A Yes.

19 Q -- you seen these receipts, and you see that's clearly
20 not the case.

21 A He wasn't -- When he worked nights, he stayed in Sikeston
22 until 3:00 in the morning.

23 Q But you just told us on Direct Examination that you would
24 take him to Sikeston and drop him off.

25 A Not always. Sometimes I did.

1 Q Oh, so sometimes he did it and then other times he
2 doesn't.

3 A When he worked the days, I would sometimes.

4 Q Is that what you're saying?

5 A Yes.

6 Q Tell me, Miss Doyle, these clothes: Where were these
7 clothes found?

8 A In my room.

9 Q They weren't found in your closet, were they?

10 A No.

11 Q They were found on your floor. "Yes" or "no"?

12 A Yes.

13 Q Interestingly enough, you told Mr. Ferrell on Direct
14 Examination that Tron would keep a bag of clothes in your
15 closet on occasion.

16 A Sometimes.

17 MR. LISZEWSKI: May I approach once again,
18 Your Honor?

19 THE COURT: You may.

20 Q (By Mr. Liszewski) Showing the Government what's marked
21 as Government's Exhibit 5.

22 THE COURT: Well, if you got a picture, why don't you
23 use the Elmo.

24 Q (By Mr. Liszewski) Miss Doyle, do you see any clothes of
25 Tron Kent's in that closet?

1 A No, sir.

2 Q I see a bunch of women's clothes. Would that be fair to
3 say?

4 A Yes, sir.

5 Q Those are your clothes.

6 A Yes, sir.

7 Q That's your little negligee sash thing sitting on the top
8 in the blue or purple, right?

9 A Yes. That's my sheet.

10 Q That's your sheet?

11 A Yes.

12 Q That was the sheet that was over the little jewelry box
13 here that was holding the dope.

14 A Yes.

15 Q That held your jewelry.

16 A Yes.

17 Q That you lied about and said you lost.

18 A Yes.

19 Q Next thing I want to talk to you about, you just told us
20 today that you have had conversations with Tron Kent about
21 dealing drugs.

22 A Yes.

23 Q So I'm sure you told Mr. Gregory about it the day that he
24 interviewed you.

25 A No.

1 Q No. Because you were lying, right?

2 A I lied that day, yes.

3 Q Okay. Sergeant Moody, you didn't tell him about that
4 either, did you?

5 A No.

6 Q When did you come to this revelation and who did you
7 tell?

8 A About two weeks ago.

9 Q Really? Who did you tell two weeks ago?

10 A Larry Gregory and Larry Ferrell.

11 Q Okay. So that is the first time that you've come up with
12 this statement that you had talked to Tron about selling dope.

13 A That's the first time I told them.

14 Q That's the first time you told anyone.

15 A Yes.

16 Q And I would assume that police officers have asked you in
17 the past to tell the truth about a case, haven't they?

18 A Yes.

19 Q At what point did you get to go home after you decided to
20 cooperate with the police?

21 A About 5:00 the next day.

22 Q So you were in jail for less than 24 hours after 60 grams
23 of dope were found in your room.

24 A Yes.

25 Q After a gun was found in your room.

1 A Yes.

2 Q After you lied to the cops twice.

3 A Yes.

4 Q So clearly, Miss Doyle, when you spoke with ---

5 MR. LISZEWSKI: Give me just a second, Your Honor.

6 Q (By Mr. Liszewski) When you spoke to Agent Novotny, you
7 didn't mention anything about these drug sales of Tron Kent,
8 did you?

9 A No.

10 Q And I want to come back to these pictures of you on this
11 cellphone which allegedly my client took. Government's
12 Exhibit 29, you identified this picture with State Patrol
13 sometime after you got out of jail, right?

14 A Yes.

15 Q After you had indicated you would cooperate with the
16 police.

17 A Yes.

18 Q After you got to go home after drugs and a gun were found
19 in your room.

20 A Yes.

21 Q Did they mention Tron Kent's name to you as well?

22 A Yes.

23 Q And I suppose the same would be for Government's 30; the
24 first time it was mentioned to you was after you were out of
25 jail.

1 A Yes.

2 Q The same for Government's 31. This was mentioned to --
3 You mentioned this to the police after you got out of jail.

4 A Yes.

5 Q There was no -- You weren't doing this out of the
6 goodness of your heart. You were doing this to save your
7 behind.

8 MR. FERRELL: Your Honor, may I ask: When he says
9 "doing this," may we get some clarification as to what he
10 means by what "doing this" means?

11 MR. LISZEWSKI: That's fine. I'll rephrase it.

12 Q (By Mr. Liszewski) You weren't blaming Tron Kent out of
13 the goodness of your heart to help society. You were doing
14 this to save your behind.

15 A It wasn't mine. So why would I say that it was mine?

16 Q After you had been arrested, after they found dope on you
17 and after you were cuffed -- You're going to have to say "yes"
18 or "no".

19 MR. FERRELL: Judge, I object.

20 THE COURT: I think you ought to restate your
21 question. It's a little vague.

22 Q (By Mr. Liszewski) The nightstand where the gun was
23 found, those were your brother's baseball cards, right?

24 A Yes.

25 Q Okay. Miss Doyle, has there been any indication that

1 charges could be potentially filed on you in this case in the
2 future by the Government?

3 A No.

4 Q Has there been any indication that charges could be filed
5 against you for lying to the police on what we know of at
6 least two separate occasions?

7 A Yes.

8 Q They are going to file charges?

9 A Oh, no. They ---

10 Q Exactly.

11 A They said if I lie today, I'll ---

12 Q So no one's indicated that for lying, you're not going to
13 face any charges?

14 A No.

15 Q In other words, you're going to get away with it.

16 MR. FERRELL: Your Honor, I object to that as
17 argumentative.

18 THE COURT: Sustained.

19 Q (By Mr. Liszewski) Because you cooperated, you're at
20 home, right?

21 A Yes.

22 MR. LISZEWSKI: All right. I have nothing further of
23 her right now, Your Honor. I may wish to recall her at a
24 later point.

25 THE COURT: Any Redirect?

1 MR. FERRELL: Just a couple of questions.

2 REDIRECT EXAMINATION

3 QUESTIONS BY MR. FERRELL:

4 Q Amy, the word "cooperation" has been thrown around out
5 here in the Cross Examination. Did you enter into any kind of
6 cooperation agreement with the Government?

7 A No.

8 Q Okay. Did the Government -- Has the Government asked you
9 with regard to your testimony to say anything false?

10 A No.

11 Q Has the Government at any time indicated to you that
12 they -- or tried to tell you what to say at any point in time?

13 A No.

14 Q Has anybody ever promised you, Amy, that you will not be
15 charged with anything?

16 A No.

17 Q No one's made any deals with you. Isn't that true?

18 A That's true.

19 Q Now is it fair to say, Amy, that you'd rather not have
20 had to go through this today?

21 A Yes.

22 MR. FERRELL: I have no further questions, Judge.

23 Thank you.

24 THE COURT: Thank you, Ma'am. You may step down.

25 Would you call your next witness?

1 MR. SORRELL: Your Honor, we call Jeff Heath.

2 THE COURT: Sir, do you want to step up here and be
3 sworn?

4 MR. SORRELL: Excuse me, Your Honor. I'm doing a
5 little bit of housekeeping.

6 THE COURT: That's okay. Go ahead.

7 DIRECT EXAMINATION

8 QUESTIONS BY MR. SORRELL:

9 Q Would you state your name, please?

10 A Jeffrey Heath.

11 Q What office do you work for?

12 A I'm a Sergeant for the Missouri State Highway Patrol.

13 Q And what duties do you perform in your -- in connection
14 with your job?

15 A I'm assigned to the Division of Drug & Crime Control.

16 Q And you investigate different crimes that occur in the
17 State of Missouri?

18 A Yes, sir.

19 Q Do you have a particular territory that you work?

20 A Predominantly I work the 13 counties in Southeast
21 Missouri.

22 Q And did you have some contact or perform some work in the
23 investigation of this particular case involving Mr. Tron Kent?

24 A Yes, sir.

25 Q Now as part of your duties, were you contacted in regard

1 to this case when Mr. Kent was arrested?

2 A Yes, sir.

3 Q And who contacted you?

4 A Anthony Moody, Charleston policeman.

5 Q All right. Did you make contact after that notice with
6 Mr. Tron Kent?

7 A Yes, sir.

8 Q And was anyone else present when you made contact with
9 him?

10 A Yes, sir.

11 Q Who was that?

12 A DEA Agent Larry Gregory.

13 Q Who's seated here at this table?

14 A Yes, sir.

15 Q Where was that contact made?

16 A At the Mississippi County Sheriff's Department.

17 Q Were there any other people present during this contact?

18 A Myself, Agent Gregory and Tron Kent.

19 Q Okay. Did Officer Moody check in from time to time or
20 did he not come in at all?

21 A No, he did not come in at all --

22 Q All right.

23 A -- on that particular interview.

24 Q All right. And if you would, would you tell the Jury
25 what happened during that contact?

1 A I contacted Mr. Tron Kent at the Sheriff's Office. I
2 advised him of his *Miranda* rights, using a Missouri State
3 Highway Patrol Notification & Waiver of Rights form. He
4 verbally stated he understood it. He also initialed each and
5 every notification and signed the form and then signed the
6 waiver of rights, stating that he was willing to talk to me.

7 Q All right. And so you did interview Mr. Tron Kent?

8 A Yes, sir, I did.

9 Q Did you also ask him for a buccal mouth swab?

10 A Yes, sir, I did.

11 Q And if you would, explain to the Jury what that
12 particular item is.

13 A It's basically a sterile swab or large Q-tip that you rub
14 on the inside side of someone's cheek, which is a buccal.
15 That's your buccal, and that's what the lab gets your DNA
16 from.

17 Q Did -- I'm sorry. Did you do that process for Mr. Kent?
18 That is, rub this buccal swab in his cheek.

19 A Yes, I did.

20 Q Okay. And that was on the same day as this interview.
21 Is that correct?

22 A Yes, sir.

23 MR. SORRELL: Your Honor, may I approach the witness?

24 THE COURT: You may.

25 Q (By Mr. Sorrell) Sir, one of the exhibits I've given you

1 is Exhibit 52. Would you take a look at that exhibit and tell
2 the Court what that is, please?

3 A This is a Missouri State Highway Patrol evidence bag
4 which I completed and placed the buccal swab I took from Amy
5 Jean Doyle and sent it to the Missouri State Highway Patrol
6 Crime Lab.

7 Q All right. Is that Exhibit 52 or 53?

8 A That's 52.

9 Q Okay. And would you look at the next exhibit? What it
10 is?

11 A I'm sorry. 52 my mistake.

12 Q All right.

13 A 52 was the buccal swab I took from Tron Kent --

14 Q All right.

15 A -- and sent to the Crime Lab. 53 is the buccal swab I
16 took from Amy Doyle.

17 Q Who provides the buccal swabs for you to use on those
18 particular cases?

19 A They're provided by the Missouri State Highway Patrol.

20 Q And are they kept in a sterile condition prior to their
21 use?

22 A Yes, sir, they are.

23 Q Is there a -- Do you seal those up in anything special or
24 do you seal them up in the envelope when you send them off?

25 A I seal them up in the envelope.

1 Q All right. And that was done in this case. Is that
2 fair?

3 A Yes, sir.

4 MR. SORRELL: Your Honor, I'll offer Exhibits 52 and
5 53, please.

6 THE COURT: Those are admitted.

7 Q (By Mr. Sorrell) Who did you send those exhibits to?

8 A The Missouri State Highway Patrol Crime Lab.

9 Q And do you know which of the chemists in that lab
10 actually received these exhibits?

11 A Yes, sir, I do.

12 Q And who was that?

13 A Ruth Montgomery.

14 Q Did you talk to Mr. Kent any at all about how he met
15 Amy Doyle?

16 A Yes, sir.

17 Q And what was his response?

18 A Said he meant her through a mutual friend by the name of
19 Julie Stevenson.

20 Q Did he say when that meeting occurred?

21 A January of 2006.

22 Q Did you ask Mr. Kent anything about whether he had been
23 to Amy Doyle's house at 501 South Sixth Street in Charleston?

24 A Yes, sir.

25 Q What did Mr. Kent say?

1 A Initially he told me he had never been to her house, and
2 then later on in the conversation he told me that, well, he
3 had been to her house but only three or four times and when he
4 was at her house, he had never went to her bedroom and only
5 was in her front room.

6 Q Okay. Did you ask Mr. Kent whether he had any property
7 at the Amy Doyle house?

8 A Yes, sir, I did.

9 Q What was Mr. Kent's response?

10 A He stated he did not have any property. And then I went
11 through, "Did you have any clothing?" He said, "no." I said,
12 "Did you have any drugs?" "No." "Did you have any guns?"
13 "No." That sort of thing.

14 Q All right. Did Agent Gregory advise Mr. Kent anything
15 during this conversation about the cellphone that was seized
16 from Mr. Kent?

17 A Yes, sir, he did.

18 Q What was that?

19 A He told Mr. Kent that he was going to seize the cellphone
20 that was in Mr. Kent's property there at the Sheriff's Office.

21 Q Did Mr. Kent have any response to that comment?

22 A Yes, sir.

23 Q What was that?

24 A He said he didn't care.

25 Q All right. Did you also collect some evidence in this

1 case to send it off to the Missouri State Highway Patrol Lab
2 and to Ruth Montgomery?

3 A Yes, sir.

4 Q And if I may have that larger bag, please. What items
5 did you send to Ruth Montgomery?

6 A I sent the buccal swabs we already talked about. I sent
7 an ashtray containing cigarette butts, and I believe there
8 were probably some ashes in there, also; a Fila shoebox, a
9 jewelry box containing earrings, and four plastic bags and an
10 unidentified piece of black material.

11 Q All right. And did you send all those items in one
12 particular bag?

13 A Yes. The way the Highway Patrol wants it packaged is
14 they want -- If you're going to send a big bag like this, they
15 want all the items within it in their own separate bags, if
16 you will.

17 Q All right. And the bag you're holding up there, does
18 that contain the items you just testified about that you sent
19 to the Highway Patrol Lab?

20 A Yes, sir, they do.

21 Q And is that bag Exhibit 57?

22 A Yes, sir.

23 MR. SORRELL: Your Honor, I'll offer Exhibit 57.

24 THE COURT: 57 is admitted.

25 Q (By Mr. Sorrell) Sir, did you also send some pillow

1 cases and sheets that were seized from the Doyle house to the
2 Highway Patrol Lab?

3 A Yes, sir, I did.

4 Q Sir, let me hand you what's marked as Exhibit 39. And
5 would you tell the Jury what that exhibit is, please?

6 A This is a large Texas evidence bag which I received from
7 Sergeant Don Windham of the Missouri State Highway Patrol
8 which contained bed sheets and pillow cases from Amy Doyle's
9 bedroom.

10 Q All right. And was that also sent to the Crime Lab --

11 A Yes, sir, it was.

12 Q -- by you? By yourself?

13 A Yes, sir.

14 Q Okay.

15 MR. SORRELL: Your Honor, I'll offer Exhibit 39.

16 THE COURT: 39 is admitted.

17 Q (By Mr. Sorrell) If you would, also, then turn to an
18 exhibit that's marked 15-B in front of you, please. And would
19 you tell the Jury what that exhibit is, please?

20 A These are the plastic bags which I -- that contained the
21 crack cocaine. The crack cocaine was removed and possession
22 was kept by Agent Larry Gregory. And I sent these plastic
23 bags to the Missouri State Highway Patrol Crime Lab.

24 Q All right. Agent Larry Gregory removed the substances
25 that were inside those Baggies. Is that right?

1 A Yes, sir, right in front of me at the Sikeston Service
2 Center.

3 Q And which container were these Baggies found in? The
4 brown jewelry box?

5 A Yes, sir.

6 Q Okay. And so basically they're just separated out and
7 just the bags were sent to the Highway Patrol Lab. Is that
8 fair? Just the Baggies themselves that were seized?

9 A Yes; not the crack cocaine.

10 Q Yes. Is that fair?

11 A Yes, sir.

12 Q Okay.

13 MR. SORRELL: Your Honor, I'll offer Exhibit 15-B.

14 THE COURT: 15-B is admitted.

15 Q (By Mr. Sorrell) And when Miss Montgomery was finished
16 with her examination of those items, she just sent them back
17 to you. Is that right?

18 A No, sir.

19 Q Or she sent them back here for our safekeeping, I guess.

20 A Actually they were sent to the Troop B Evidence Tech,
21 Evidence Officer. He places them in the Highway Patrol Troop
22 B Evidence Locker for safekeeping.

23 Q When the Missouri State Highway Patrol Lab finishes with
24 an item, do they reseal it in some particular fashion?

25 A Yes, they do.

1 Q And how do they do that?

2 A If I could, just this bag here.

3 Q Yes.

4 A The blue tape -- I seal it with the red tape and initial
5 it with my initials and badge number and date. When the Lab
6 opens them and reseals them, they use the blue tape.

7 Q All right. And blue tape appears on all the evidence
8 bags that you testified about that's been sent to the Highway
9 Patrol?

10 A Yes, sir.

11 Q Indicating that that's been resealed by that lab and sent
12 back; is that fair?

13 A Yes, sir.

14 MR. SORRELL: All right. That's all I have. Thank
15 you.

16 THE COURT: Mr. Liszewski?

17 MR. LISZEWSKI: You have to excuse me, Judge. My
18 printer went on the fritz this morning.

19 CROSS EXAMINATION

20 QUESTIONS BY LISZEWSKI:

21 Q Trooper Heath, I just have a very few questions for you
22 actually. When you did visit Tron Kent, he did agree to give
23 you a buccal swab, buccal swab. I'm not sure what the proper
24 pronunciation of it is.

25 A I've heard it said both ways. I don't know why.

1 Q Okay. At that point he did deny ownership of a gun.

2 A Yes, sir.

3 Q He denied ownership of drugs.

4 A Yes, sir.

5 Q He denied ownership of the money that was found.

6 A Yes, sir.

7 Q Told Agent Gregory, "I don't care if you take the phone;
8 it's not my phone."

9 A He said he didn't care if he took it, yes, sir.

10 Q Okay. Now I want -- What I want to talk to you next
11 about is the interview of Amy Doyle at the Sikeston Service
12 Center. Do you remember that? Were you part of that with
13 Sergeant Stolte? I believe is his name.

14 A "Stolte"?

15 Q Stolte, yes, sir.

16 A Yes, sir.

17 Q Okay. So that interview, I would assume she was out of
18 jail.

19 A Yes, sir.

20 Q Meaning she was not dressed in Mississippi County dress
21 orange.

22 A Correct.

23 Q Okay. And at that point she was cooperating with the --
24 with law enforcement, right?

25 A I'd say yes.

1 Q Now at that point the two of you showed her some
2 pictures.

3 A Yes. I had talked to her before that.

4 MR. SORRELL: Just let me object to what happened
5 during this interview as the nature is hearsay. It's not this
6 witness' statement.

7 MR. LISZEWSKI: Judge, it's not hearsay for him to
8 say what he did.

9 MR. SORRELL: If he's going to ask Miss Doyle's
10 response to him showing her evidence, then that's going to be
11 a hearsay response.

12 THE COURT: Well, Miss Doyle's response.

13 MR. SORRELL: Okay.

14 THE COURT: But if he's asking what this witness did,
15 that's -- All right.

16 MR. SORRELL: Okay.

17 THE COURT: Go ahead. Ask your next question.

18 Q (By Mr. Liszewski) Now with respect to the -- with the
19 pictures that were found, you gave -- you gave her an
20 opportunity to look at those.

21 A Yes, sir.

22 Q Okay. And this was after she was out of jail.

23 A Yes, sir.

24 Q And this was after no charges had been filed for the
25 drugs or guns found in her house.

1 A Yes, sir.

2 Q Okay.

3 MR. LISZEWSKI: Thank you. I have no further
4 questions.

5 THE COURT: Any Redirect?

6 MR. SORRELL: No, Your Honor.

7 THE COURT: Thank you, sir. You may step down.

8 THE WITNESS: Thank you.

9 THE COURT: Would you call your next witness, please?

10 MR. SORRELL: Don Windham, please.

11 THE COURT: Do you want to step up here, sir, and be
12 sworn?

13 DONALD WINDHAM,

14 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS
15 FOLLOWS:

16 DIRECT EXAMINATION

17 QUESTIONS BY MR. SORRELL:

18 Q Sir, would you state your name, please?

19 A Don Windham.

20 Q What agency do you work for?

21 A Missouri Highway Patrol.

22 Q What's your position with that agency?

23 A I'm a criminal investigator.

24 Q How long have you been employed by the Missouri State
25 Highway Patrol?

1 A Twenty-one years.

2 Q Do you have a particular rank?

3 A Sergeant.

4 Q And what are your general duties?

5 A Criminal investigations ranging from homicide, robberies,
6 stealing, rapes.

7 Q All right. Did -- On May the 9th of 2006 did you have an
8 occasion to go to the house in Charleston, Missouri, of
9 Sally Doyle and Amy Doyle?

10 A Yes, I did.

11 Q And what was your purpose in going to that house?

12 A Looking for evidence related to a sex case involving a
13 juvenile, Amy Doyle, and the Defendant.

14 Q Did you inquire as to Miss Amy Doyle and Mrs. Sally Doyle
15 as to whether or not you could seize items from Amy Doyle's
16 bedroom?

17 A Yes, I did.

18 Q And what response did you get from that request?

19 A Both of them gave us consent.

20 Q And did you actually go in the room and take some items?

21 A Yes, I did.

22 Q Was anyone else with you when you made this search?

23 A Sergeant Stolte.

24 Q And what Sergeant or what agency does he work with?

25 A He's also an investigator with the Highway Patrol.

1 Q Okay. Did you also take photographs?

2 A Sergeant Stolte did.

3 Q Okay. All right. And who identified the room that was
4 the bedroom of Amy Doyle's?

5 A Her mother, Sally Doyle.

6 Q And do you recall specifically what items that you took
7 or would you need to have your memory refreshed by the
8 exhibits themselves?

9 A Two sheets and a -- or two pillow cases and a sheet, some
10 clothes, men's clothing in a plastic bag, some VCR tapes, a
11 pair of boots, license plates, a title application for a
12 vehicle, and some timecards in Tron Kent's name.

13 Q All right. Did you seize those particular items from
14 that bedroom and take possession of them yourself?

15 A Yes, I did.

16 Q If I may approach just for a second, I'd like for you to
17 look at Exhibits 43 through 51. Would you tell the Jury what
18 that group of photographs are?

19 A These are pictures of items taken from the room in the
20 room itself.

21 Q All right. During the search of the house; is that
22 right?

23 A That's correct.

24 Q It also shows the outside of the house. Is that fair?

25 A Yes, it does.

1 Q Okay. And these pictures fairly and accurately depict
2 the things that you seized in that room. Is that fair?

3 A Yes. I don't see a picture of the sheets in this group
4 or a picture of the VCR tapes but the others are there.

5 Q Yes, sir. Now if I may start off with an Exhibit 34, I'm
6 going to open up that exhibit and display a set of license
7 plates in it. And do you recall where these license plates
8 came from?

9 A Out of Amy Doyle's bedroom.

10 Q And is that an item that you seized from the bedroom?

11 A Yes, it is.

12 Q And when you seize an item like that, do you place it in
13 a particular kind of receptacle?

14 A Yes, I do; a brown paper bag and then I place evidence
15 tape over the top to seal it.

16 Q And do you sign that bag?

17 A You sign that bag, yes.

18 Q And that was down in this case. Is that fair?

19 A Yes, sir.

20 Q Okay.

21 MR. SORRELL: I offer Exhibit 34, please.

22 THE COURT: 34 is admitted.

23 Q (By Mr. Sorrell) Did you also -- Well, let me hand you
24 Exhibit 35. Would you tell the Court what that exhibit is,
25 please?

1 A It's an application for a Missouri title and license for
2 a vehicle.

3 Q Where did you find that item at in the Kent -- or I mean
4 in the Doyle bedroom?

5 A Yes. It was in Amy's bedroom. I believe it was on the
6 dresser.

7 Q All right. And is that -- Does that application contain
8 any names on it as far as who the owners of that vehicle are?

9 A Yes, it does.

10 MR. SORRELL: And, first, let me offer Exhibit 35,
11 please.

12 THE COURT: That's admitted.

13 Q (By Mr. Sorrell) Would you tell the Jury what the names
14 are on the top of that exhibit?

15 A Tron Kent and Amy Doyle.

16 Q Did you have an occasion to run the registration on those
17 particular -- on that particular application?

18 A I didn't. Sergeant Heath may have done that.

19 Q All right. And does the Missouri State Highway Patrol
20 keep records of the -- or actually it's the Department of
21 Revenue -- keep records as to the vehicle registration?

22 A Yes, they do.

23 Q And that's an archival that you can obtain. Is that
24 fair?

25 A Yes.

1 Q All right. I've handed you what's been marked as Exhibit
2 33. Can you tell the Court what that is?

3 A This is information that would have been run off of a
4 computer through the Police Department, Highway Patrol, and
5 basically shows the owner, title and registration of a
6 vehicle.

7 Q All right. And how does Exhibit 35, 36 or 33, the
8 exhibit you're holding there, and 34, the license plates, and
9 35, the title application, how do they correlate?

10 A The vehicle license plate here is 644 ZTN. It is to the
11 owners Tron Kent and Amy Doyle, and it's on an Olds 1988
12 four-door.

13 Q Basically it's all for the same car. Is that fair?

14 A Yes.

15 Q Okay.

16 MR. SORRELL: Your Honor, I'll offer Exhibit 33.

17 THE COURT: That's admitted.

18 Q (By Mr. Sorrell) Sir, I've handed you Exhibit 36 in that
19 envelope on the bottom. Would you tell the Court what that
20 exhibit is, please?

21 A It says "Tron Kent" and "timecards;" in/out time for --
22 It looks to me like employment for work.

23 Q Basically is that an item you seized from the Doyle
24 bedroom?

25 A Yes, it is.

1 Q And it was maintained in your custody until it's been
2 here today?

3 A No.

4 Q Or okay.

5 A I seized it and turned it over to the Charleston Police
6 Department.

7 Q That's fair.

8 A Okay.

9 Q And -- But you're the seizing officer. Is that right?

10 A Yes, sir.

11 Q All right.

12 MR. SORRELL: Your Honor, I'll offer Exhibit 36.

13 THE COURT: 36 is admitted.

14 Q (By Mr. Sorrell) And below you on the ground is a
15 plastic bag marked Exhibit 37. Do you recall seeing that bag
16 before?

17 A Yes.

18 Q And would you tell the Court what that is?

19 A It's a bag of men's clothing.

20 Q Where was it seized from?

21 A Amy Doyle's bedroom.

22 Q Do you recall about where?

23 A On the floor as you walk in the door by the dresser or to
24 the left there as you go into the bedroom.

25 Q Were the clothes already in the bag that you see here

1 today?

2 A Yes, they were.

3 Q All right. So you basically just pick up the bag and
4 all?

5 A Just seize the bag and all.

6 Q All right.

7 MR. SORRELL: Your Honor, I'll offer Exhibit 37.

8 THE COURT: 37 is admitted.

9 Q (By Mr. Sorrell) And, sir, there's an Exhibit 38 in
10 front of you, for the bag that contains the boots. Have you
11 ever seen that exhibit before?

12 A Yes, I have.

13 Q What is that?

14 A This is the boots seized from Amy Doyle's bedroom that
15 were on the bedroom floor.

16 MR. SORRELL: Your Honor, I'll offer Exhibit 38.

17 THE COURT: 38 is admitted.

18 Q (By Mr. Sorrell) Sir, I've handed you Exhibit 40. Would
19 you tell the Court what that exhibit is?

20 A Six VCR tapes and six DVDs seized from Amy Doyle's
21 bedroom.

22 Q All right. And, again, you took custody of those items
23 on May the 9th, 2006?

24 A That's correct.

25 Q Okay. What about Exhibit 39 down below? Could you tell

1 the Court what that exhibit is?

2 A Yes. This is the sheets and pillow cases we found on the
3 bed in the room.

4 Q And, again, you seized those items?

5 A Yes.

6 Q And who did you turn the sheets and pillow cases over to?

7 A Sergeant Heath with the Highway Patrol, and he sent them
8 to the Highway Patrol lab for analysis.

9 Q All right.

10 MR. SORRELL: Your Honor, I believe 39 and 40 are
11 already admitted.

12 THE COURT: They're admitted.

13 MR. SORRELL: Thank you, Officer. That's all.

14 THE COURT: Mr. Liszewski?

15 MR. LISZEWSKI: Your Honor, I don't believe I have
16 any questions right now. I would like to reserve the right to
17 recall him in the event it becomes necessary in the trial.

18 THE COURT: Thank you, sir. You may step down.

19 MR. SORRELL: May we retrieve those exhibits?

20 THE COURT: Sure.

21 MR. SORRELL: Also, Your Honor, I would like to offer
22 Exhibit 42 which is the DEA lab report that's already been
23 identified in this parties' stipulation.

24 THE COURT: Okay. And that is admitted by
25 stipulation.

1 MR. SORRELL: Thank you.

2 THE COURT: Would you call your next witness?

3 MR. FERRELL: Your Honor, the Government would call
4 Jeremy Hodges to the stand.

5 May we approach the bench, Your Honor?

6 THE COURT: Sure.

7 (The following proceedings were held at sidebar,
8 outside the hearing of the Jury:)

9 THE COURT: Is this your 404(b)?

10 MR. FERRELL: We're moving into 404(b). I have an
11 instruction prepared. This instruction will cover the event
12 which occurred on November 21st, 1999, and then the second
13 event which we're about to hear testimony on from Gregory --
14 not Gregory, but Hodges of finding a gun and crack cocaine on
15 him and the plea to that. And then on May the 12th, we're
16 going to hear testimony from Officer Blakely about a
17 controlled purchase and a plea of "guilty" to sale on that
18 one. So those are the two that are going to be upcoming at
19 this time.

20 THE COURT: Okay.

21 MR. FERRELL: We would like to read this instruction
22 which tells them they're about to hear this evidence at this
23 time.

24 THE COURT: Yeah. Did you see that?

25 MR. LISZEWSKI: Not yet. How much further are you

1 anticipating on going? We have Blakely and Hodges.

2 MR. FERRELL: That's the next two witnesses, Blakely
3 and Hodges. And we have the court reporter -- I mean the
4 Court Clerk from Scott County.

5 MR. LISZEWSKI: Okay.

6 MR. FERRELL: I don't know that -- Judge, I don't
7 know how long you want to go; what's your time?

8 THE COURT: I'm fine. If we're out of witnesses, ---

9 MR. FERRELL: We're so far ahead. After ---

10 MR. LISZEWSKI: I don't anticipate a fairly lengthy
11 Case in Chief at all on my part. I don't.

12 THE COURT: Well, we can get into that later. Who
13 else have you got? You got these two guys and the court
14 reporter.

15 MR. FERRELL: Yes. And we have the -- of course, the
16 DNA expert and we have Larry Gregory.

17 THE COURT: Yeah.

18 MR. LISZEWSKI: It's my understanding you guys are
19 calling the DNA expert tomorrow.

20 MR. FERRELL: Yeah. She's here now and we could
21 almost get her in today, but if it's too much, ---

22 MR. LISZEWSKI: You call her tomorrow.

23 THE COURT: Well, we'll see where we are today. We
24 got a late start.

25 MR. FERRELL: That might be lengthy. We'll have

1 testimony, Judge, to take us through today.

2 THE COURT: Okay.

3 MR. FERRELL: We'll be able to send this to the Jury
4 about noon or 1:00 tomorrow probably.

5 MR. LISZEWSKI: Yeah, that's what I was thinking.

6 THE COURT: Well, we'll talk about all that later.
7 We might do the instructions tonight after we send the Jury
8 home. Okay.

9 MR. FERRELL: Thank you, Judge.

10 THE COURT: Yeah.

11 MR. LISZEWSKI: Hey, Judge, can we make sure -- Let
12 me wait for Larry to come back. I just want to make sure that
13 for the record my 404(b) objection's preserved. I am making
14 an objection to that.

15 THE COURT: That's fine.

16 MR. LISZEWSKI: Okay.

17 THE COURT: I'm never sure because you want to have a
18 continuing one, which I don't have a problem with, and then
19 you keep getting up here.

20 MR. LISZEWSKI: Well, I just ---

21 THE COURT: It's fine. I mean do whatever you want
22 to do to protect your record, but I'm agreeable to continue
23 it.

24 MR. LISZEWSKI: Okay. That's fine.

25 THE COURT: Yeah.

1 (The following proceedings were held within the
2 hearing and presence of the Jury:)

3 JEREMY HODGES,

4 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS
5 FOLLOWS:

6 THE COURT: Ladies and Gentlemen, before we proceed
7 with the next witnesses, I want to read an instruction to you.

8 You are about to hear a certain category of evidence
9 called "similar acts evidence." Here, that evidence is that
10 the Defendant, Tron Kent, possessed cocaine base and a Ruger
11 semi-automatic pistol on November 21, 1999, in East Prairie
12 Missouri, and that on May 12, 2003, he distributed crack
13 cocaine in Sikeston, Missouri.

14 You may not use this similar acts evidence to decide
15 whether the Defendant carried out the acts involved in the
16 crime charged in the indictment. In order to consider similar
17 acts evidence at all, you must first unanimously find beyond a
18 reasonable doubt that the Defendant -- based on the rest of
19 the evidence introduced, that the Defendant carried out the
20 acts involved in the crimes charged in the indictment. If you
21 make that finding, then you may consider similar acts evidence
22 to decide motive, intent, preparation, plan, knowledge or
23 absence of mistake or accident.

24 Similar acts evidence must be proven by a
25 preponderance of the evidence. That is, you must find that

1 the evidence is more likely true than not true. This is a
2 lower standard than proof beyond a reasonable doubt. If you
3 find this evidence is proven by a preponderance of the
4 evidence, then you should give it the weight and value you
5 believe it is entitled to receive. If you find that it is not
6 proven by a preponderance of the evidence, then you shall
7 disregard such evidence.

8 You may proceed, Mr. Ferrell.

9 MR. FERRELL: Thank you, Your Honor.

10 DIRECT EXAMINATION

11 QUESTIONS BY MR. FERRELL:

12 Q State your name for the Jury, please, sir.

13 A Jeremy Lee Hodges.

14 Q And what is your profession, sir?

15 A Police officer.

16 Q And where are you a police officer, Officer Hodges?

17 A City of Portageville.

18 Q And can you tell the Jury, please, basically what your
19 duties are with the Portageville Police Department?

20 A School resource officer. I work at the school during the
21 school year and then I work the streets during the summer.

22 Q Now you joined them in about January of this year. Is
23 that correct?

24 A Yes, sir.

25 Q Now prior to that time, you had previous law enforcement

1 experience. Is that correct, sir?

2 A Yes, sir.

3 Q Okay. Where did you begin your law enforcement career
4 and training?

5 A I started in '99 with the City of East Prairie.

6 Q Okay. And was that following your training at the
7 Southeast Missouri State University Police Academy?

8 A Yes, sir. I went there for my 480 Certification and I
9 attended Shawnee Community College and got my Associate's
10 Degree in Criminology.

11 Q All right. You say your "480," the folks may not be
12 familiar with that term.

13 A Police officer certification so you can be a police
14 officer.

15 Q Four hundred and eighty hours of training?

16 A Of training, yes, sir.

17 Q Okay. Now you indicated that after you graduated and got
18 your degree and graduated from the Academy, you began working
19 with the East Prairie Police Department. Is that correct?

20 A Yes, sir.

21 Q Approximately when was that, Officer Hodges?

22 A It was around October 1st of '99.

23 Q Around -- Excuse me. You said August of '99?

24 A October the 1st of '99, roughly.

25 Q I'm sorry. October the 1st of 1999. And how long did

1 you stay with that department?

2 A Around three years.

3 Q Okay. After you left that department, you also had
4 experience as a law enforcement or corrections officer for the
5 Missouri Department of Corrections. Is that correct?

6 A Yes, sir.

7 Q And approximately how long were you an officer for the
8 Missouri Department of Correction?

9 A Roughly about three years.

10 Q So I want to go back to where you began. You said you
11 began at the East Prairie Police Department October or so of
12 1999. Let's go to November the 21st of 1999, a couple of
13 months after you started for them.

14 A Yes, sir.

15 Q All right? Do you recall that date, November the 21st,
16 1999?

17 A Yes, sir.

18 Q Okay. Now that's seven, eight years ago almost. Do you
19 remember that date today?

20 A Yes, sir, very well.

21 Q Were you working for the East Prairie Police Department
22 that day, sir?

23 A Yes, sir.

24 Q And were you on routine patrol at approximately 2:10 AM
25 that morning?

1 A Yes, sir.

2 Q Okay. Where were you patrolling, sir?

3 A The housing authority. When I worked for the City of
4 East Prairie, I was the housing authority officer, so that was
5 my primary patrol area.

6 Q And as you were patrolling that area at 2:10 in the
7 morning, did you see anything which caught your eye or aroused
8 your suspicion as a police officer?

9 A I seen an older model Oldsmobile Cutlass pull into the
10 area and it had defective equipment.

11 Q What was wrong with it?

12 A The license plate light was out.

13 Q All right. Did you follow the car? Where it went?

14 A It actually pulled in. As soon as it pulled into the
15 parking spot, I pulled in behind it.

16 Q And when you pulled into the -- pulled in behind this
17 car, it was in the driveway of one of the apartments. Is that
18 correct?

19 A Yes, sir.

20 Q Okay. And did you call in your traffic stop --

21 A Yes, sir.

22 Q -- as you were taught to do?

23 A Yes, sir.

24 Q So after you did that, what did the driver and
25 passenger -- Well, let me ask you: How many people were in

1 the car?

2 A There were two occupants, two males. The passenger got
3 out and he walked up towards the residence. I got out of my
4 patrol car, and then the driver got out of the vehicle and was
5 getting some stuff out of the vehicle.

6 Q Okay. So the passenger went up to a residence. Is that
7 correct?

8 A Yes, sir.

9 Q Okay. And did you approach the driver?

10 A Yes, sir.

11 Q What did you do when you approached the driver?

12 A I identified myself. I noticed he kept sticking his hand
13 where I couldn't see it. At that time I told him to place his
14 hands where I could see them.

15 Q Okay. Did you ask him for his license at some point?

16 A Not at that point. When he -- Actually when I approached
17 him, he just kept sticking his hand back there where I
18 couldn't see it and turned away from me.

19 Q All right. So this ---

20 A So my main priority was ---

21 Q My apologies. I spoke too soon.

22 A My main priority was my personal safety at that time.

23 Q All right. So were you focusing on his hand that was
24 being taken out of view? His arm?

25 A Yes.

1 Q Trying to see that area. Do you remember if it was his
2 left arm or his right arm that he was taking out of view?

3 A His left.

4 Q His left arm. What did you tell him to do at that point
5 when he was taking his left arm out of your view?

6 A I told him to place his hands on top of the vehicle where
7 I could see them.

8 Q And did he do so?

9 A Yes, sir.

10 Q Okay. So when he placed his hands on top of the vehicle,
11 could you tell if he had anything in the left hand?

12 A Yes, sir. He had a beer in the left hand and something
13 else kept having his hand cupped after he sat the beer down,
14 and then he put his right arm up there and when he did, his
15 jacket raised up on his right side.

16 Q Okay. So when he put his right arm up on the car, you
17 saw his jacket raise up?

18 A Yes, sir.

19 Q When his jacket raised up, can you tell this Jury what,
20 if anything, you saw?

21 A I saw the butt of the Ruger pistol in his waistband.

22 Q Well, what did you do when you stopped this vehicle at
23 2:10 AM in the morning and you see that the person that raised
24 their arm has a Ruger pistol?

25 A I drew my weapon and told him to keep his hands where I

1 could see them.

2 Q And did he -- did he do so?

3 A He kept bouncing around. He was real jittery, and I told
4 him to back up; advised him to put his hands behind his head.

5 Q That's the comment; you put your fingers together behind
6 your head?

7 A Lock your fingers behind your head.

8 Q All right. Did he do that?

9 A He brought his hands back like this and then he jetted to
10 the left of the vehicle.

11 Q By "jetting," I assume ---

12 A He took off running to the left of the vehicle.

13 Q -- you mean he took off running. Okay. So when he took
14 off running, had any of your support gotten there by this
15 time?

16 A No, sir. No, sir.

17 Q Okay. So he took off running. What did you do?

18 A I pursued him around the back of the set of apartments.
19 As he went around the back corner, it was really dark. I
20 turned back around and ran to the front of the apartments
21 where I caught back up with him and chased him around a few
22 more sets of apartments.

23 Q So you got behind him and chased him at that point?

24 A Yes, sir.

25 Q Okay. Was there -- Was there a point at which you

1 confronted him again out there with your weapon?

2 A Yes, sir. He came around a set of another apartments,
3 and when he turned, he reached back to where his waistband --
4 to where the weapon was, and I stopped and told him to stop or
5 I'd shoot him. He seen me stop, and he hit the ground, and
6 about that time my other partner arrived.

7 Q All right. Now you said -- You motioned -- You said the
8 gun was in his waistband?

9 A Yes, sir, right-hand side.

10 Q Okay, right-hand side. Front? Back?

11 A About the center.

12 Q About the center.

13 A Right in here.

14 Q Okay, of your side. All right. So -- And he dropped to
15 his knees. And then at that time did your support arrive?

16 A Yes, sir.

17 Q And was he handcuffed?

18 A Yes, sir.

19 Q Okay. And so did you look for the firearm at that
20 moment?

21 A After he was cuffed, we did a search, a pat search of him
22 and to locate the weapon.

23 Q The gun wasn't there anymore.

24 A No, sir.

25 Q Was there a point in time in which the gun -- in which he

1 left your sight when you were chasing him?

2 A When he went around the corner of the back building, of
3 the first building I pursued him around, that's when I
4 stopped, turned around and went to the front. That's the only
5 time I lost sight of him. So we went back to that area to
6 search.

7 Q Okay. And was one of the officers that helped you there
8 Officer Massey?

9 A Yes, sir.

10 Q And, in fact, after this person was arrested, Officer
11 Massey put him in his patrol car. Is that correct?

12 A Yes, sir.

13 Q So while he's in the patrol car, do you go back to the
14 area, the route that you ran, looking for the weapon?

15 A Yes, sir.

16 Q And what, if anything, did you see or hear Officer Massey
17 do?

18 A Officer Massey said, "I found it." He then pulled a P95
19 Ruger nine-millimeter out of the grass and dropped the clip,
20 ejected one out of the magazine or took one out of the
21 chamber, unloaded it. He unloaded the weapon.

22 Q So it was a Ruger --

23 A P95.

24 Q -- P95.

25 A Yes.

1 Q And what size gun was this?

2 A Nine-millimeter.

3 Q Nine-millimeter gun. And it was loaded with one in the
4 chamber?

5 A Yes, sir.

6 Q So when you picked up the gun, did you discover anything
7 else at that location?

8 A He discovered -- I believe it was two Baggies of a white
9 substance.

10 Q Okay. And did you see him discover it there or pick it
11 up?

12 A I seen him when he picked it up out of the grass by the
13 weapon.

14 Q So we found two Baggies of white substance. And what did
15 that -- Based upon your training and experience in law
16 enforcement, what did that appear to be?

17 A It appeared to be cocaine.

18 Q So was the cocaine and gun taken into evidence?

19 A Yes, sir.

20 Q Okay. And at this particular point in time, did you see
21 the person that was in the car? That had been placed in the
22 patrol car? Did you see him?

23 A Yes, sir.

24 Q And what was he doing?

25 A He was -- He had done -- By that time, when I come back

1 around the apartments, he had crawled out of the -- over the
2 patrol car. We didn't have cages in our car. He had crawled
3 out of the back seat and through the window in the front of
4 the patrol car and he was running through the apartment
5 complex.

6 Q So he was running on foot again.

7 A Yes, sir.

8 Q Did you catch him again?

9 A Yes, sir.

10 Q Now, again, you said that you collected the evidence; the
11 gun at hand and what appeared to be crack cocaine to you. Is
12 that correct?

13 A Yes, sir.

14 Q All right. Did you ask this person his name that you
15 chased and caught?

16 A Yes, sir.

17 Q What name did he tell you?

18 A He identified himself as Tron Kent.

19 Q And just -- The last question for you. The man that
20 stepped out of that maroon car that night that had that
21 fully-loaded cocked nine-millimeter in his waistband, do you
22 see him here in the courtroom today?

23 A Yes, sir.

24 Q Would you point him out for the Jury, please?

25 A Right there.

1 Q And would you describe him, please?

2 A The man in the green shirt.

3 Q At the counsel table here?

4 A Yes, sir.

5 MR. FERRELL: Your Honor, may the record reflect that
6 the witness has identified this Defendant, Tron Kent?

7 THE COURT: It may.

8 MR. FERRELL: Thank you, Your Honor. I have no
9 further questions of this witness.

10 THE COURT: Mr. Liszewski?

11 MR. LISZEWSKI: No questions.

12 THE COURT: Thank you, sir. You may step down.
13 Would you call your next witness?

14 MR. FERRELL: John Blakely.

15 JOHN BLAKELY,

16 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS
17 FOLLOWS:

18 MR. FERRELL: May it please the Court, Your Honor.

19 DIRECT EXAMINATION

20 QUESTIONS BY MR. FERRELL:

21 Q State your name for the Jury, please, sir.

22 A John Blakely.

23 Q You testified previously in this case already once today,
24 haven't you, sir?

25 A Yes.

1 Q Today you're testifying about a different matter than
2 what you testified to this morning, correct?

3 A Yes, sir.

4 Q Okay. Now you're a detective for the Sikeston Department
5 of Public Safety?

6 A Yes, sir.

7 Q Okay. What I want to talk to you about at this time is
8 an incident which occurred back on the date of May the 12th of
9 2003. Do you recall that day, sir?

10 A Yes, sir.

11 Q And you were working as a detective for the Department on
12 that occasion. Is that correct, sir?

13 A Yes, sir.

14 Q Now as a detective for the Sikeston Department of Public
15 Safety, did you have occasion to work in the field of
16 narcotics and drug investigation?

17 A Yes, sir.

18 Q On this particular date and time, May 12th of 2003, can
19 you tell the Jury if you were involved in any particular
20 investigation on that day?

21 A Yes, sir.

22 Q And what was the nature of your investigation there, sir?

23 A With the use of a confidential informant, I made a
24 controlled buy from Tron Kent, also known as "TKO."

25 Q Now when you use the term "confidential informant," what

1 do you mean by that, sir?

2 A Somebody that's been signed up to make controlled buys
3 either for monetary gain or to help lessen an offense that
4 they've been charged with.

5 Q And this confidential informant was going to assist you
6 in making a controlled buy. What is a "controlled buy"?

7 A It's where I provide the informant with money that's
8 copied to make the purchase of whatever, which in this case it
9 was crack cocaine. The location where the controlled buy's
10 going to take place is pre-established. The amount of drugs
11 that's going to be purchased is pre-established, and then the
12 informant is searched prior to and afterwards and then taken
13 to or watched as they go to the location where the purchase is
14 going to take place.

15 Q All right. And did you search your confidential
16 informant and maintain a watch over them as they went to the
17 intended location?

18 A Yes, sir.

19 Q And that location was where, sir?

20 A 133 Cardinal in Sikeston.

21 Q And the person with which you expected to purchase the
22 controlled substances on that day was who?

23 A Tron Kent.

24 Q And after you followed your confidential informant to 133
25 Cardinal, did the confidential informant come out?

1 A Yes.

2 Q And did you follow your confidential informant and meet
3 with him?

4 A Yes, sir.

5 Q And what, if anything, did you do once you met with the
6 confidential informant?

7 A They handed me the substance that was purchased which was
8 later field tested as crack cocaine. And then the informant
9 was searched again to make sure they didn't have anything on
10 them they shouldn't have.

11 Q All right. And the money you had given him was gone. Is
12 that correct?

13 A Yes, sir.

14 Q Okay. Now this particular case, was a charge filed
15 against Tron Kent?

16 A I believe in 2004, yes, sir.

17 Q So when that case filed, that would be in the Circuit
18 Court of Scott County, Missouri. Is that correct?

19 A Yes.

20 Q And was a charge filed against him for the Class B felony
21 of distribution of a controlled substance?

22 A Yes, sir.

23 Q And did you field test this controlled substance?

24 A Yes, sir, I did.

25 Q And what did it test positive for?

1 A Cocaine.

2 Q Now was it powder cocaine or crack cocaine?

3 A It was crack cocaine.

4 Q Now you are familiar with the progression of that case in
5 the Circuit Court of Scott County, are you not, sir?

6 A Yes.

7 Q And as a matter of fact, I've had you take a look at
8 what's been marked as Government's Exhibit 6 which has
9 previously been identified as a transcript of two separate
10 proceedings in the Circuit Court of Scott County, Missouri, on
11 April 22nd, 2004, one of them being your case. I'm going to
12 hand this to you, and I would like to ask you some questions
13 about the transcript of the proceedings relating to your case.

14 A Yes, sir.

15 Q I'd like for you, if you would, please, to turn to Page 4
16 of those proceedings. Actually turn to Page 5, if you would.
17 I'm sorry. Now at Line 24 there's a question that was asked
18 by the Court at this -- or a statement by the Court at this
19 particular point in time. Is that correct?

20 A Yes, sir.

21 Q Can you read to the Jury, please, Lines 24 and 25 of Page
22 5 and then the first line of Page 6?

23 A Yes, sir.

24 MR. LISZEWSKI: Objection; Best Evidence Rule, Judge.
25 The Jury can read for themselves.

1 THE COURT: Overruled.

2 MR. FERRELL: Thank you.

3 A It says: "Question of Q: Listen to the facts the
4 prosecutor says she would prove if we had a trial. If they
5 are different from what you believe them to be, let me know."

6 Q (By Mr. Ferrell) And then the prosecuting attorney,
7 Mr. Weis, made a statement to the Court as to what the facts
8 were. Is that correct?

9 A Yes.

10 Q I'd like to refer you to Lines 11, beginning with
11 Mr. Kent, through Line 15. Would you read that for the Jury,
12 please?

13 A Yes, sir. "Mr. Kent, in the County of Scott, State of
14 Missouri, at 133 Cardinal Street, was approached by Informant
15 0221 in which the Informant bought crack cocaine from
16 Mr. Kent. And, again, what happened -- And, again, that
17 happened in the State of Missouri."

18 Q Okay. And there's a response by Mister -- by the Court.
19 Is that correct?

20 A Yes, sir.

21 Q And what response did the Court make?

22 A "Is that basically what happened in this case, Tron?"

23 Q Okay. And does the record reflect at Line 18 what
24 Tron Kent said?

25 A Yes, sir.

1 Q Now at that point in time the Court -- I would like for
2 you to read simply Lines 19 through 25 of the transcript as to
3 what immediately followed after Mr. Kent said, "Yes, sir."

4 A "Do you remember when I asked you to raise your right
5 hand and promise to tell the truth? Is everything you told us
6 so far today been the truth?"

7 "Yes, sir."

8 "Nobody asked you to come in and tell a lie or take
9 the blame for somebody else, have they?"

10 "No, sir."

11 Q And then at that point in time did Mr. Kent introduce a
12 plea of "guilty" to that charge?

13 A Yes, sir, he did.

14 MR. FERRELL: I have no further questions of this
15 witness, Your Honor.

16 THE COURT: Any Cross-Examination?

17 MR. LISZEWSKI: I have no questions on this issue.

18 THE COURT: Thank you, sir. You may step down.

19 You may call your next witness.

20 MR. FERRELL: I'm sorry, Your Honor. We call Agent
21 Larry Gregory to the stand.

22 **AGENT LARRY GREGORY,**

23 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS
24 FOLLOWS:

25 MR. FERRELL: May it please the Court, Your Honor.

1 DIRECT EXAMINATION

2 QUESTIONS BY MR. FERRELL:

3 Q I'd like you to state your name for the Jury, please,
4 sir.

5 A My name is Larry Gregory.

6 Q Okay. And what is your profession, sir?

7 A I'm a Special Agent with the Drug Enforcement
8 Administration.

9 Q How long have you been a Special Agent for the DEA, sir?

10 A Since September of 1988.

11 Q Would you share with the Jury, please, what your law
12 enforcement experience was prior to becoming a Special Agent
13 for the Federal Drug Enforcement Administration?

14 A I started as a police officer in February of 1979 in
15 Sikeston, Missouri. I left Sikeston in 1983 and became a
16 trooper with the Missouri State Highway Patrol. In 1986 I
17 began working undercover narcotics with the Highway Patrol
18 within the Division of Drug & Crime Control. In 1988 I left
19 the Highway Patrol and became an agent with DEA.

20 Q Now, Agent Gregory, you're the case agent in this
21 particular case. Is that correct, sir?

22 A Yes, sir.

23 MR. FERRELL: May I approach the witness, Your Honor?

24 THE COURT: You may.

25 Q (By Mr. Ferrell) You were first called in this

1 particular case to go to Charleston, Missouri, to meet with
2 law enforcement officers there and to collect some evidence,
3 is that correct, as part of your duties?

4 A Yes, sir, that's correct.

5 Q Do you recall when you went to the -- to Charleston,
6 Missouri, to assist in this investigation?

7 A May the 9th.

8 Q Okay. And on May the 9th did you receive certain
9 evidence into your possession?

10 A Yes, sir, I did.

11 Q Would that include the cocaine which was taken from the
12 Doyle residence there on Sixth Street as well as -- Well, as
13 far as drug evidence, would it include the evidence taken from
14 that residence?

15 A No, sir. Actually I received the drug evidence on May
16 the 10th. The evidence that I received on May the 9th was the
17 cellphone and the car keys.

18 Q I see, sir. And let's go on. We're going to skip to the
19 10th and just go ahead and take care of the drug evidence, if
20 you will.

21 A Yes.

22 Q You received two exhibits. Who did you receive them
23 from?

24 A Sergeant Moody with the Charleston Police Department.

25 Q And when Sergeant Moody turned the drug exhibits over to

1 you, they were in what condition, sir?

2 A They were in the same condition as he had discovered them
3 in the -- I'm sorry.

4 Q That's okay. And he placed them into a bag?

5 A Yes, sir, he did.

6 Q Okay. And had he sealed the bag?

7 A Yes, sir, he did.

8 Q Okay. When the items were turned over to you, were they
9 still in the sealed bag with this tape?

10 A Yes, they were.

11 Q You took the sealed bag with the evidence, and what did
12 you do with it, sir?

13 A I met with Sergeant Heath with the Highway Patrol at the
14 Highway Patrol satellite station in Sikeston. And from there,
15 we opened the bags and removed the crack cocaine.

16 Q Okay. And when you removed the crack cocaine from the
17 paper bags that the officer had them seized in or packaged in,
18 what did you do with them?

19 A The crack cocaine was then resealed in one of my evidence
20 bags and sent to our lab in Chicago for analysis.

21 Q Okay. Now if I could, at this time I would like to
22 approach you and hand you two exhibits. One is marked Exhibit
23 15-A and one is marked Exhibit 12. Can you identify those two
24 for us, sir?

25 A Yes, sir.

1 Q And what are Exhibits 12 and 15-A?

2 A 15-A is the evidence bag which holds the crack cocaine
3 that was removed from the four plastic Baggies in the brown
4 jewelry box. Exhibit 12 is the evidence that was removed from
5 the -- from the shoebox.

6 Q And once you took them out of that bag that the officer
7 had given to you, you said you placed them in heat-sealed
8 packages. Is that correct?

9 A Yes, sir.

10 Q Are those the packages that I just handed to you?

11 A Yes, sir, they are.

12 Q And why do you place them in the heat-sealed package?

13 A To maintain custody and to allow the chemist to see
14 what's in them once they receive them there at the lab.

15 Q All right. So you on that date -- or you sealed the
16 bags. You put the evidence in there and you sealed the bags
17 and put your initials on there; marked it. Is that correct?

18 A Yes, sir, that's correct.

19 Q Okay. And along with the -- Now the heat-sealed
20 container with the two exhibits, do you fill out a chain of
21 custody sheet which is forwarded along to the drug chemist?

22 A Yes, sir, I do.

23 Q I'd like to hand you what's been marked as Exhibit 42 and
24 ask if you can identify that for the Jury, please?

25 A Yes, sir, I can.

1 Q And what is Exhibit 42?

2 A This is what's referred to as a "DEA 7." It's a lab
3 report which is submitted with the evidence to the lab. Upon
4 receipt of this, the lab acknowledges that they received the
5 drugs, and they use it later to record their analysis of the
6 drugs.

7 Q And so you generate that item first. Is that correct?

8 A Yes, sir.

9 Q And you sign off on it when you send it off, along with
10 the drugs, to the chemist.

11 A Yes, sir.

12 Q And, again, the drugs are sent in that heat-sealed
13 envelope. Is that correct, sir?

14 A Yes, sir.

15 Q All right. And then you have received them back from the
16 lab for purposes of trial here today. Is that correct?

17 A Yes, sir, that's correct.

18 Q And is there an indication that that heat-sealed envelope
19 has been opened?

20 A Yes, sir.

21 Q And how do you know that?

22 A The evidence tag from the lab is evident here at the
23 bottom of the heat-sealed package.

24 Q After they examine it, they seal it back and put their
25 initials on it. Is that correct?

1 A Yes, sir, that's correct.

2 Q I would like to ask you: You've indicated that you
3 collected a cellphone in connection with this case. Is that
4 correct?

5 A Yes, sir.

6 Q Okay. I'm going to -- Before I ask you about that
7 cellphone, I want to take just a moment to ask you if in the
8 course of your investigation you had an occasion to be
9 present, along with Sergeant Heath, to conduct an interview of
10 the Defendant, Tron Kent?

11 A Yes, sir.

12 Q And where and when was that, sir?

13 A It was on May the 9th at the Mississippi County Jail in
14 Charleston.

15 Q And during that particular interview, did you make -- did
16 you ask Mr. Kennedy -- excuse me -- did you ask Mr. Tron Kent
17 whether or not he had ever been to the Doyle residence on
18 Sixth Street in Charleston?

19 A Yes. Actually Sergeant Heath asked most of the questions
20 from Mr. Kent, but I was present during the entire questioning
21 and answers.

22 Q And was he asked specifically if he ever lived there?

23 A Yes, sir, he was.

24 Q And what was his response?

25 A No.

1 Q He said "no." Did -- Was he asked -- Did he ask if he
2 had ever been there?

3 A Yes.

4 Q And initially, what was Tron Kent's response when you
5 asked him, "Have you ever been to the Doyle residence on Sixth
6 Street in Charleston?"

7 A He had stated that he had never been there.

8 Q He had never been to the residence.

9 A Yes, sir, that's correct.

10 Q Well, did you pursue that based upon the information that
11 you had?

12 A Yes, sir.

13 Q And as you continued to ask him questions, did he change
14 his statement?

15 A Yes, sir, he did.

16 Q What did he say with regard to whether or not he had ever
17 been there?

18 A He then stated that he had been three or four times.

19 Q Okay. Did he tell you where he had been in the
20 residence?

21 A Yes, sir, he did.

22 Q And what did he say?

23 A He stated that he had been in the front room of the
24 residence.

25 Q Only the front room of the residence?

1 A That's what he stated.

2 Q Okay. Did -- At some point in time did he change that
3 statement at all or did he stay with that one, he had only
4 been in the front room of the residence?

5 A He stayed with that statement.

6 Q Said he never had been in the bedroom ever; is that
7 correct?

8 A That's correct.

9 Q So during the course of this questioning of the
10 Defendant, did you ask him -- did Officer Heath ask him if he
11 kept -- had any property or clothes or anything at all there
12 at the Doyle residence?

13 A Yes, he did.

14 Q And what did he say?

15 A Mr. Kent said he had nothing there at the residence.

16 Q Did you -- You mentioned earlier that you had acquired a
17 cellphone. Is that correct?

18 A Yes, sir.

19 Q I'd like to show you what has been marked as Government's
20 Exhibit 7 and ask if you've seen this before?

21 A Yes, sir, I have.

22 Q And what is Government's Exhibit 7?

23 A It's a Virgin mobile cellular telephone.

24 Q And where have you seen that phone before, sir?

25 A This was the telephone that I removed from Mr. Kent's

1 property on May the 9th.

2 Q Who did you get that from?

3 A From the Mississippi County Deputy that was apparently
4 handling the intake for the prisoners that day.

5 Q Was that Donald Husk who was here earlier today?

6 A Yes, sir, it was.

7 Q So you got the cellphone from him?

8 A Yes, sir.

9 Q And did you ask Mr. Kent if that was his cellphone?

10 A I told Mr. Kent that I was seizing a cellphone that I was
11 aware that was in his property. He stated that he didn't
12 care. The initial questioning had been when Sergeant Heath
13 had asked him if he had a cellphone number, and Mr. Kent said
14 he didn't have a cellphone.

15 Q Said he didn't have a cellphone.

16 A That's right.

17 Q Okay. So you went ahead and collected this particular
18 cellphone into evidence. Is that correct?

19 A Yes, sir.

20 Q All right. You have examined this cellphone since you've
21 had it in your custody. Is that correct, sir?

22 A Yes, sir.

23 Q Is it fair to say that there are a number of photographs
24 and images that are contained on that cellphone? Is that
25 correct?

1 A Yes, sir, there is.

2 Q Now did you pull the pictures up on the cellphone so that
3 you could look at them, sir?

4 A Yes, sir.

5 Q With regard to Exhibit 31 which has previously been
6 identified by Amy Doyle as a photograph of sexual intercourse
7 between she and the Defendant, this exhibit, you can see it
8 better this way, but this particular exhibit, did you locate
9 that on Exhibit 7, the cellphone?

10 A Yes, sir.

11 Q And was the date reflected on the cellphone of which that
12 had taken place?

13 A Yes, sir.

14 Q And what was that?

15 A The date in regards to that particular photo is February
16 the 25th.

17 Q Okay. Now did it state the time?

18 A 1:51 PM.

19 Q Okay. Now I'd like to show you what has been marked as
20 Government's Exhibit 29 and ask you if you were able to see
21 that photograph on the cellphone, No. 7?

22 A Yes, sir.

23 Q And were you able to obtain the time on the cellphone
24 stamp itself as to when that picture was taken?

25 A Yes, sir.

1 Q And when was that?

2 A It was also February the 25th.

3 Q And the time?

4 A At 1:55 PM.

5 Q Now there's a third photograph which is Exhibit 30. Were
6 you able to locate that photograph on the cellphone?

7 A Yes, sir.

8 Q And were you able to identify the time and date or the
9 time of that particular photograph?

10 A Yes, sir.

11 Q Okay. And what was the date and time, if you recall?

12 A It was on March the 6th at 4:59 PM.

13 Q 4:59 PM, okay. Now this particular phone -- First of
14 all, in your field as an investigator for the Drug Enforcement
15 Administration office, you've had many occasions to review
16 cellphones. Is that correct?

17 A Yes, sir.

18 Q Is it fair to say that that cellphone evidence or records
19 and cellphones come into play in your cases on a regular
20 basis?

21 A Yes, sir, it does.

22 Q Okay. Now going back a few years back, okay, were most
23 of the cellphone records or most of the cellphones obtained
24 through companies like Cingular or Ameritech?

25 A Yes, sir, they were.

1 Q And when you obtain phones there, does it generate a
2 record of the phone calls or who purchased the phone, whose
3 name it's in, where the phone calls went, the time and
4 everything?

5 A Yes, sir. We were able to routinely get a subscriber and
6 get long distance and local cell time records.

7 Q Well, is that very helpful to you in your investigation?

8 A Yes, sir.

9 Q And over the course of the years, did you routinely rely
10 on that information in the prosecution of drug traffickers?

11 A Yes, sir, we did.

12 Q Okay. At some point in time did that change as far as
13 the ability in many of the cases to obtain cellular records?

14 A Yes, sir, it has.

15 Q How did that change, sir?

16 A The phone -- The telephone companies have now issued
17 telephone services through these prepaid phones. I think
18 they're called "track phones;" also, through prepaid telephone
19 cards that you can buy at -- you can get them at Wal-Mart,
20 K-Mart, a lot of the discount stores. You can actually obtain
21 what they call a prepaid telephone card which enables the
22 purchaser to buy so many minutes for their cellular telephone.

23 Q So they do not -- do they -- Or I'm asking you, sir: Do
24 they then generate records of who uses them, when they use
25 them, when the phone call's made, things of that nature?

1 A No, they don't.

2 Q Is that useful in the drug trafficking trade not to have
3 those records?

4 A It creates no record of who they're talking to on the
5 phone.

6 Q So did you make an effort to obtain the subscriber
7 information and everything for this particular phone that you
8 have?

9 A Yes, I did.

10 Q And did you find that this is one of what you referred to
11 as track phones?

12 A Sprint/Nextel advised me that they had no record in
13 regards to this phone.

14 Q So you're unable to gather any records concerning the use
15 of the phone. Is that correct?

16 A Yes, sir, that's correct.

17 Q Now I've got some questions that I want to ask you, but
18 before I ask you those questions, I want to first talk to you
19 a little bit or to the Jury about your experience and where
20 you draw your opinions.

21 You said that you have been with DEA since 1988,
22 correct?

23 A Yes, sir.

24 Q And before that, you worked for the Missouri State
25 Highway Patrol as an undercover officer. Is that correct?

1 A Yes, sir, for nearly three years.

2 Q Three years. Can you share with the Jury, please, what
3 you're -- what you do as an undercover narcotics officer?

4 A Basically you become friends with the drug dealers. And
5 through your association with these people, you try to obtain
6 enough evidence in order to bring charges against them so that
7 they go to jail.

8 Q Okay. You pose as a drug buyer sometimes. Is that
9 correct?

10 A Yes, sir.

11 Q Sometimes as a drug seller?

12 A Yes, sir.

13 Q Now you spent three years undercover. You came to the
14 DEA. Basically what have your duties been with the DEA since
15 that time?

16 A Most of my investigations with the DEA has been of Covert
17 nature where I actually handle criminal investigations in
18 regards to cases that may have been initiated by another
19 agency, much like this one here in regards to Charleston, and
20 the Highway Patrol actually being the agencies that contacted
21 me in regards to assisting them in furthering this
22 investigation.

23 Q All right. In the course of your years since 1988, is
24 it -- nearly 20 years with the -- in an undercover capacity or
25 as a DEA agent, do you have any idea as to the number of

1 controlled substance investigations you've conducted over all
2 that period of time?

3 A It would be several -- several hundred cases that I've
4 been involved in. There was probably at least two -- two
5 hundred cases I was involved in while working undercover with
6 the Highway Patrol.

7 Q Before you left the patrol, --

8 A Yes, sir.

9 Q -- it was at least 200?

10 A Yes, sir.

11 Q Okay. Now -- So is it fair to say that you've a very
12 extensive exposure to the drug distribution networks?

13 A Yes, sir. I've been around for a while.

14 Q Have you talked to the people who have admitted that they
15 were drug traffickers?

16 A Yes, sir, I have.

17 Q People that you have prosecuted?

18 A Yes, sir.

19 Q Have you had informants that you debriefed and talked to
20 at length?

21 A Yes, sir.

22 Q Okay. Have you put together cases over all this period
23 of years to show how these drugs were distributed?

24 A Yes, sir, I have.

25 Q And based upon your experience and your training, are you

1 familiar with the way in which cocaine base or crack cocaine
2 is generated and distributed?

3 A Yes, sir, I am.

4 Q Let's start out, first of all, sir: How does the cocaine
5 originate into this country?

6 A Most of it is grown in South America in the countries of
7 Columbia, Peru, Bolivia, from the coca plant. They're able to
8 process it so that it becomes a cocaine paste. And from
9 there, it's -- through chemicals, it's chemically altered so
10 that it's powder, and normally it's the kilos of powder that
11 get shipped up into this country.

12 Q And a kilo is 2.2 pounds. Is that correct?

13 A Yes, sir, that's correct.

14 Q It's kilos at the time. Okay. Once it gets sent to the
15 United States in the kilo quantities, how is it then
16 distributed or sold? How is it broken down?

17 A It depends upon what the customer base is for the people
18 that are selling it. Sometimes the cocaine powder is left in
19 the powder form and sold. Other times it is altered to
20 cocaine base because, again, that is what the customer base
21 requires.

22 Q Okay. With cocaine powder or cocaine base, are they sold
23 in individual user amounts at some point in time on the
24 street?

25 A Yes, sir, they are.

1 Q Okay. And, obviously, we got to get from that kilo to
2 the user amounts. Can you tell the Jury, please, what the
3 basic breakdown is as far as how cocaine is broken down into
4 quantities for resale?

5 A Normally from the kilo-size packages, it's divided up
6 into ounces. From the ounces then, they go down to the
7 smaller quantities, the grams, the half-ounce basis. And,
8 again, depending on the customer base, it will determine how
9 the -- how small the packages are broken down.

10 Q Okay. If you break down a kilo in ounces, how many
11 ounces are there in a pound?

12 A There's 16 ounces in a pound. There's 2.2 pounds in a
13 kilo.

14 Q Now are kilos sometimes broken down into like half kis,
15 quarter kis, eighth of a ki?

16 A Yes.

17 Q Sold that way, too?

18 A Yes, sir.

19 Q And would that be for individual use?

20 A No, sir. That would still be for distribution purposes.

21 Q Okay. If we break it down into ounce quantities, an
22 ounce is how many grams, sir?

23 A 28.3.

24 Q Okay. So we have ounce quantities. Just so we may
25 illustrate to the Jury, what would be a typical dose -- a

1 dosage unit for someone that was ingesting powder cocaine or
2 crack cocaine?

3 A Probably -- Probably a quarter gram.

4 Q Okay.

5 A Probably the easiest way to think about it is the sugar
6 packets, the Sweet & Low packets. Those are normally a gram
7 in size. A person that was ingesting it for personal use
8 would probably do a quarter of that at a time.

9 Q So personal consumption, we're looking at a quarter of a
10 gram, correct?

11 A Yes, sir.

12 Q And how much -- How is it sold on the street for personal
13 consumption? How much would you expect to pay for the crack
14 cocaine?

15 A A quarter of a gram is usually \$25. A gram is a hundred
16 dollars. Sometimes the quarters are even -- if it's crack
17 cocaine or made even smaller into what they would call 10 and
18 20-dollar rocks.

19 Q So it's sold on the street at \$100 a gram. Is that
20 correct?

21 A Yes, sir.

22 Q And the dosage units, you'd have like typically four
23 dosage units in a gram of cocaine?

24 A Yes, sir.

25 Q Now if -- Crack cocaine is different than powder cocaine,

1 correct?

2 A Yes, sir.

3 Q How is crack cocaine different from powder cocaine?

4 A What they do is they take the powder cocaine and with a
5 mixture of baking soda and water, they manufacture crack
6 cocaine. Crack cocaine is normally ingested by smoking it.
7 And what that does, it gives the user a more intense high than
8 what the use of the powder either through snorting it or
9 through a syringe.

10 Q And what amounts is crack cocaine sold for individual
11 assumption?

12 A Again, a lot of times -- most of the time they're at 10
13 and 20-dollar blocks. Occasionally if the customer is out
14 here trying to generate his own money as well as being able to
15 get high, he'll buy larger quantities.

16 Q And so the crack cocaine we're selling that -- You say
17 \$10 rocks. Would that be roughly a tenth of a gram?

18 A Yes, sir.

19 Q So it's a hundred dollars a gram for crack cocaine,
20 correct?

21 A Yes, sir.

22 Q And a \$10 rock, individual rock -- Excuse me. An
23 individual rock for personal use might be around \$10?

24 A Yes, sir.

25 Q Okay. Now how is it -- how is it packaged when it's to

1 be sold on the street? How do you see it normally packaged?

2 A Different ways. Sometimes the rock will be handed to the
3 customer. Other times the distributor will take the time to
4 wrap it in a knotted plastic Baggie and sell it that way.
5 Some people use tin foil. It just depends on what's handy at
6 the time sometimes as to what they will put them in.

7 Q If I can show you at this time what's been marked as
8 Government's Exhibit 22. It's a photograph that's previously
9 been identified as money and a bag of crack cocaine found in a
10 shoebox in the Doyle residence. Now that's one of the
11 exhibits that you sent off to the lab. Is that correct?

12 A Yes, sir, that's correct.

13 Q And it weighed approximately how much?

14 A That would be what I referred to as Exhibit 2, and that
15 weight was six-and-a-half grams.

16 Q So 6.5 grams. So in a tenth-gram dosage, that would make
17 how many -- how many doses could you get out of six-and-a-half
18 grams?

19 A Well, 6.5 times 10 is -- Put a zero on the end, so you've
20 got 65.

21 Q Okay. Out of that one container; is that correct?

22 A Yes, sir.

23 Q Now based upon your experience and training, even that
24 amount that you have in front of you there, would you consider
25 that to be consistent with possession for the purpose of

1 distribution or for personal consumption?

2 A No. It would definitely be for distribution.

3 Q Now the other exhibit that we have, the cocaine that you
4 have in front of you, the larger quantity of cocaine, --

5 A Yes, sir.

6 Q -- how many grams of cocaine was that, sir? I'll show
7 you what's depicted in Government's Exhibit 24. How many
8 grams of cocaine do we have there, crack cocaine?

9 A 65.9 grams.

10 Q 65 grams?

11 A 65.9 grams.

12 Q So nearly 70 grams.

13 A Yes, sir.

14 Q Okay. If that was -- Excuse me.

15 A Well, nearly 66.

16 Q I'm sorry. It's 65.9. Nearly 66 grams?

17 A Yes, sir.

18 Q Okay. If you sold that out in the tenth-gram quantities
19 as is typically ingested, how much money would that generate?

20 A Over \$6000 dollars; close to \$6600.

21 Q Now based upon your experience and training, sir, is the
22 possession of the crack cocaine, packaged in the manner it is
23 there, in the amounts and quantities that it is there, valued
24 at over \$6000, consistent with possession for personal
25 consumption or possession with the intent to distribute?

1 A Possession with the intent to distribute.

2 Q I have just one more area of questions for you, Agent.
3 Based upon your experience and training, this many years of
4 law enforcement experience that you have, sir, have you come
5 to find an association between firearms and drug trafficking
6 activities?

7 A Yes, sir.

8 Q What is the association that your experience has led you
9 to find between firearms, guns, and drugs?

10 A That the weapons have now become like a tool of the trade
11 for the drug dealer. Most of them are carrying guns now to
12 protect their drugs, protect their money and protect
13 themselves.

14 Q Well, these drugs are worth a lot of money. Is that
15 correct?

16 A Yes, sir.

17 Q And if they get stolen from you, what kind of position
18 does that put the drug dealer in if his large quantity of
19 drugs is stolen from him?

20 A He won't be going and reporting it to the police. That's
21 for sure.

22 Q That's what I was going to ask you, sir. When a drug
23 dealer is out on the street or wherever, his house or home,
24 whatever, and he has large quantities of crack cocaine, how
25 can he protect that cocaine?

1 A He has to use a weapon.

2 Q Have you in your experience ever had a drug dealer call
3 the police and ask them to come protect him from somebody
4 trying to take his drugs?

5 A No.

6 Q It's never happened?

7 A (Negative gesture).

8 Q That's what they use the guns for.

9 A Yes, sir.

10 MR. FERRELL: I have no further questions. Thank
11 you.

12 THE COURT: Any Cross-Examination?

13 MR. LISZEWSKI: (Affirmative gesture).

14 CROSS EXAMINATION

15 QUESTIONS BY MR. LISZEWSKI:

16 Q Agent Gregory, if you would, please tell me and the Jury
17 what a case supervisor does. How does the red tape work?
18 What do you do? Do you put the case together for the
19 Government? Do you recommend charges are filed? What exactly
20 is your job with respect to that position?

21 A Probably a combination of all of what you just mentioned.
22 This case, in particular, the state and locals reached out to
23 me and asked for assistance in regards to investigating this
24 incident. What I have done since then was try to make sure
25 that the prosecutors had the evidence that they needed to

1 present the case in court.

2 Q At any point did you make a recommendation with regard to
3 Mr. Kent to seek a federal charge on that? Seek federal
4 charges?

5 A The evidence was presented to the U.S. Attorney's Office
6 and then they decided to seek an indictment.

7 Q Has any evidence been presented concerning Miss Doyle to
8 the U.S. Attorney's Office by your office or any other officer
9 you know?

10 A Not that I'm aware of.

11 Q Who's responsible for getting Amy Doyle out of jail?

12 A I'm not sure.

13 Q Okay. Was it -- But it wasn't you?

14 A No, sir.

15 Q Okay. Did you make any recommendation with respect to
16 that?

17 A No, sir. She's a juvenile.

18 Q Now you are aware at the present time that Amy Doyle has
19 told you several inconsistencies, true?

20 A She initially didn't tell us the truth, that's correct.

21 Q Okay. And she's done that with you as well as Sergeant
22 Moody, correct?

23 MR. FERRELL: I'm going to object to this line of
24 questioning if it's an attempt to impeach her credibility.

25 MR. LISZEWSKI: I'm not intending to impeach. I'm

1 going to tie it in with my next question.

2 THE COURT: Okay.

3 MR. FERRELL: I would object to it as irrelevant,
4 Your Honor.

5 THE COURT: Well, I will give you one more question.
6 Tie it in now.

7 MR. LISZEWSKI: I'm sorry. What was your ruling?

8 THE COURT: Tie it in now.

9 MR. LISZEWSKI: Okay. That's fine.

10 Q (By Mr. Liszewski) My question's this: When she
11 indicated that she, Tron Kent and her mother were the only
12 people in the house, did you follow up with anyone else to
13 verify that or substantiate it aside from her word?

14 A Yes.

15 Q With whom?

16 A Her mother.

17 Q Aside from her mother, anyone else?

18 A No.

19 Q And I would assume that -- I would assume her mother
20 wanted her out of jail.

21 A I think most mothers do not like to see their children in
22 jail.

23 Q Sure. It's common sense. Mothers don't want to see
24 their kids in jail, do they?

25 A That's correct.

1 Q Okay. Let me ask you this: In the drug trade involving
2 weapons, in every case will a person carry a drug or carry a
3 gun to protect themselves or their drugs?

4 A No.

5 Q Okay. So sometimes people -- I understand that sometimes
6 it's difficult for you to inquire in the minds of others, but
7 on occasion people aren't carrying weapons to protect their
8 drugs, true?

9 A True.

10 Q Okay. On occasion they might just be protecting
11 themselves, true?

12 A True.

13 Q Okay. And as a former law enforcement officer in
14 Sikeston, you are aware of the area, aren't you?

15 Do you know the people down there? Do you know -- Do
16 you know the reputation in some parts of Sikeston?

17 A Yes, I do.

18 Q Okay. So you, obviously, heard Detective Blakely talk to
19 us today about some very rough areas in Sikeston, true?

20 A Yes, sir.

21 Q Would you agree with that assessment?

22 A Yes, sir. I used to patrol there, also.

23 Q I guess my last question for you, Mr. Gregory, is this:
24 The evidence tech. that you spoke to at the Mississippi County
25 Jail regarding the cellphone, Mr. Husk?

1 A Yes, sir.

2 Q Okay. Did he indicate that ---

3 MR. FERRELL: Your Honor, I'm going to object to what
4 Mr. Husk said. He's calling for hearsay.

5 MR. LISZEWSKI: It's impeachment, Judge.

6 MR. FERRELL: Judge, he can't impeach -- May we
7 approach the bench?

8 THE COURT: Yeah.

9 (The following proceedings were held at sidebar,
10 outside the hearing of the Jury:)

11 THE COURT: You're impeaching who?

12 MR. LISZEWSKI: I'm impeaching Donald Husk's
13 testimony by omission. No such statements were ever made to
14 Mr. Gregory. No reports were ever made.

15 THE COURT: You can't impeach his testimony like
16 this.

17 MR. FERRELL: You have to first question the witness
18 as to whether or not they made the statement or not. They
19 have to be given an opportunity on the stand to admit it or
20 deny it before you try to bring in extrinsic evidence.

21 MR. LISZEWSKI: Sure. And I asked him on the stand.

22 MR. FERRELL: What?

23 MR. LISZEWSKI: I asked him when did he make
24 the statement; who did he make the statement to; did he do any
25 reports. He's had an opportunity to deny it.

1 MR. FERRELL: What? I don't understand. What is it
2 you're asking? You want to ask him did Husk lie?

3 MR. LISZEWSKI: Yeah -- No. I don't want to know if
4 he lied. I just want to know if he said anything about him
5 using the phone.

6 THE COURT: Wait a minute. You want to know what?

7 MR. LISZEWSKI: I want to know from Agent Gregory if
8 Mr. Husk ever indicated that Mr. Kent used that phone while
9 being booked.

10 THE COURT: What's the impeachment here? I'm missing
11 something.

12 MR. LISZEWSKI: What I'm driving at, Judge, is today
13 we get to trial. We have no reports, no nothing from Mr. Husk
14 about Mr. Kent using this phone potentially related in a drug
15 investigation, potentially related for these child sex
16 offenses. He comes to trial. He says, "Oh, yeah; Mr. Kent
17 got some numbers out of the phone." So I want to know if he
18 has ever said that to Mr. Gregory.

19 MR. FERRELL: If you had asked Mr. Husk, "Have you
20 ever said this to Agent Gregory," and he said "no," then you
21 could be entitled to impeach him with that statement.

22 MR. LISZEWSKI: I believe the question that I asked
23 him was did he convey this to anybody and his answer was "no."

24 MR. FERRELL: So that's going to be consistent.
25 That's not impeachment.

1 THE COURT: Yeah, that's not impeachment. You didn't
2 set it up for something he said or denied that he said to this
3 witness.

4 MR. FERRELL: It's going to be consistent.

5 MR. LISZEWSKI: That's fine.

6 THE COURT: So I don't think that's -- Yeah, okay.

7 MR. LISZEWSKI: Thank you, Your Honor.

8 THE COURT: Yeah.

9 (The following proceedings were held within the
10 hearing and presence of the Jury:)

11 THE COURT: Go ahead.

12 Q (By Mr. Liszewski) My last question is this: You
13 centered your investigation around Mr. Kent based on the
14 evidence -- well, it's actually a couple of last questions.

15 This case with respect to Counts III through VII stem
16 from the drugs that were found in the Doyle household, true?

17 Or actually VI and VII stem from the cellphone but
18 III, IV and V, they stem from the drugs found in the home as
19 well as the gun.

20 A That's correct.

21 Q Okay. And the gun and the drugs were found in objects
22 which were clearly Miss Doyle's.

23 MR. FERRELL: Your Honor, I'm going to, again, object
24 to this unless there's a foundation. He was not one of the
25 seizing officers --

1 THE COURT: Sustained.

2 MR. FERRELL: -- in this case.

3 Q (By Mr. Liszewski) The only person on trial today is
4 Mr. Kent, right?

5 A Yes, sir.

6 MR. LISZEWSKI: That's all I have. Thank you.

7 THE COURT: Any Redirect?

8 REDIRECT EXAMINATION

9 QUESTIONS BY MR. FERRELL:

10 Q Yes. I just have a couple of follow up questions; very
11 quickly, Agent. Mr. Liszewski said that based on your
12 experience in law enforcement, there's some people who carry
13 guns just for protection, right?

14 A Yes, sir.

15 Q And there's some people who carry guns and it's not to
16 protect drugs, right?

17 A Yes, sir.

18 Q Isn't that what he said?

19 A Yes.

20 Q Well, based on your experience in law enforcement, do any
21 of those people that carry guns for their own protection and
22 only their own protection have a pocketful of crack cocaine in
23 their ---

24 MR. LISZEWSKI: Objection; argumentative, Judge.

25 THE COURT: Overruled.

1 Q (By Mr. Ferrell) Do any of them have a pocketful of
2 crack cocaine out on the streets of our city in the middle of
3 the morning?

4 A No, sir.

5 Q If it was just to carry it for their own protection? Did
6 you ever find anything like that?

7 A No, sir.

8 Q Have you ever found anything in any case that you've been
9 involved in where people just carry guns for their own
10 protection or have the guns for their own protection in a
11 residence that's got \$6500 to \$7000 worth of crack cocaine in
12 it?

13 A No, sir.

14 MR. FERRELL: I don't have any further questions.
15 Thank you, Judge.

16 THE COURT: Thank you, sir. You may step down.

17 Ladies and Gentlemen, at this time we are practically
18 at 5:00, and we will recess for this evening. Again, I
19 caution you do not discuss the case among yourselves or with
20 anyone else.

21 I would ask that you come to the Jury Room by 8:30
22 tomorrow morning and we will proceed with the evidence. It
23 appears that we may well be submitting this case to you
24 tomorrow. Don't hold me to that but I think that may be
25 happen. That may help you in organizing your own schedule.

1 So I would ask you to come by 8:30 tomorrow morning.

2 Please have a nice evening and we'll see you
3 tomorrow. Will the attorneys remain here?

4 (Jury excused from the courtroom.)

5 (The following proceedings were held outside the
6 hearing and presence of the Jury:)

7 THE COURT: Let the record reflect the Jury has left
8 the courtroom. What further evidence is there? I know
9 there's the expert witness on the DNA.

10 MR. SORRELL: I'm sorry?

11 THE COURT: Who are the witnesses left that the
12 Government has in your case?

13 MR. SORRELL: I believe there will be two final
14 witnesses; the Mississippi County Clerk --

15 THE COURT: Okay.

16 MR. SORRELL: -- with the conviction record, another
17 404(b) piece of evidence, and the DNA expert which is
18 Ruth Montgomery.

19 THE COURT: Okay. And then do you anticipate putting
20 on right now -- and I know that could change. Do you
21 anticipate any witnesses?

22 MR. LISZEWSKI: It's too early to say.

23 THE COURT: Okay. Assuming that you would put on
24 everybody you're considering, how long do you think your case
25 might take?

1 MR. LISZEWSKI: Maybe an hour or two.

2 THE COURT: Okay. I would ask that you all come and
3 we are starting at 8:00.

4 MR. LISZEWSKI: My apologies, Judge. I apologize.

5 THE COURT: Because what I would like to do is go
6 through -- I received some proposed instructions from the
7 Government today and I assume you did, too, Mr. Liszewski.

8 MR. LISZEWSKI: I have seen -- What it looks like is
9 the verdict director and the elements and just a copy of the
10 indictment as well.

11 THE COURT: Well, I realize that, but it's what
12 they're submitting.

13 MR. LISZEWSKI: Sure.

14 THE COURT: I don't know if you have any or not. If
15 you do, please bring them tomorrow --

16 MR. LISZEWSKI: That's fine.

17 THE COURT: -- if you've got some and be ready
18 because at 8:00 I want to go through these. And if you have
19 any -- If you have some that you're thinking about, I suggest
20 you e-mail them to the prosecutors tonight --

21 MR. LISZEWSKI: That's fine.

22 THE COURT: -- so they'll have a chance to look at
23 it.

24 MR. LISZEWSKI: Okay.

25 THE COURT: So I'd like to go through those. So if

1 we have to make changes, which we might, or make additions,
2 whatever, we can do that tomorrow.

3 MR. LISZEWSKI: Okay.

4 THE COURT: And then I would assume that, unless we
5 run into unforeseen problems, we'll be submitting this
6 tomorrow. Okay.

7 I would say, given the nature of this, I'm going to
8 give 25 minutes. I know we've got seven counts. I'm going to
9 give each side 25 minutes. How would you all like to split
10 that time?

11 MR. FERRELL: Judge, would the Court consider 30?

12 THE COURT: No.

13 MR. FERRELL: It's for seven counts.

14 THE COURT: I know it is, but you can group them.

15 MR. FERRELL: Judge, I'll just have to ask for 13 and
16 12; take my time off.

17 THE COURT: Okay. And what kind of warning do you
18 want?

19 MR. FERRELL: I'd like a two-minute warning on each
20 end.

21 THE COURT: And then what kind of warning would you
22 want, Mr. Liszewski?

23 MR. LISZEWSKI: I'll take 24 with a one-minute
24 warning.

25 THE COURT: 24 and a one-minute, okay. Then I'll see

1 you all at 8:00 tomorrow and we'll go through these
2 instructions.

3 (Court adjourned at 4:46 P.M.)
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CERTIFICATE

I, Deborah A. Kriegshauser, Registered Merit Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case and that said transcript is a true and correct transcription of my stenographic notes.

I further certify that this transcript contains pages 1 through 339 inclusive and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

Dated at St. Louis, Missouri, this 28th day of September, 2007.

/s/ Deborah A. Kriegshauser

DEBORAH A. KRIEGSHAUSER, FAPR, RMR, CRR

Official Court Reporter